P

P 56

App. F. IX-4 | **1932** | **File No. 156-32**

Previous References (Pol) **Serial Nos. 1 to 2**

Pol 41-31-1 to 2
" 152-31-6 to 11
" 133-31-1 to 2
" 60-32-1 to 2

Later References

Pol 33-34-4-7 to 9-10
Pol 33-34 (38 to 40)
" 45-35-9 to 10.
" 50-38 (95, 106)

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Nos

Oct^r

Part B for ~~Sept^r~~ '32

SUBJECT.

Conduct of certain police officials in Pratapgarh Currency note Case.

2) 2 The D.G. of Police.

Camp no. P/3 of 5-10-33

States that the increment of Mr. D. Seshagiri Rao may be stopped his confirmation may be deferred till the conduct is proved satisfactory & that the confirmation of Mr. Bhoja Rao Scindhia deferred for one year His confirmation should depend upon his conduct

Mr. Aleem Azez
13-6-33

Serial No.	
	From
	The D. G of Police.
1	Letter no C. C. 13/32-33 dated 7. 4. '33 bro to the notice of Govt, the conduct of Messrs Sehagiri Rao and R. Mukhoji Rao Scindhia i the investigation of Parasuram Sait Currency case and stating that in the circumstances, out their confirmation may be deferred t the present.
	It is stated that Messrs D. Sehag Rao & R. Mukhoji Rao Scindhia delayed the investigation of the currency note case, the former nearly 2½ months & the latter a five months. Further Mr. Sehagiri Rao said to be responsible for the missing certain documents relating to the case - c enclosed cover & a covering letter and h conduct is said to be suspicious by way he proceeded with the enquiry & the facts of the case to the accused.
	It is said that Mr. Mukhoji R Scindhia is also at fault in connection the defalcation of the Mysore city Police Co-operative Society.
	In the above circumstances D. G of Police opines that Mr. Sehagiri is unfit to be an A.S.P. and that Confirmation of Mr. Mukhoji Rao Scindh may be deferred for one year more till 7th May 1934.

Dl 133-31-1-4
152-31-84 11
be put up. flags.
dp

Contd. Sheet.

C2

Conduct of certain police Officers in Paraseram Said Cattoorey Case

PDR File No. 156 of 1932

General and Revenue Secretariat

In the first para of his letter, the D. S.P. refers to para 40 of the judgement in Criminal Case no 118/31-32 on the file of the Civil Magte, Mysore, which may be of interest to know in extenso.

If approved a copy of the judgment may be obtained from the D. S.P.

Submitted for orders.

17/4/33.

2) A copy of the judgment may be obtained from the D. S. P.

C 25/7/33

~~Draft letter to the D.S.P. is submitted for approval.~~

Law Secy (Mr King) put up copy of the judgt in the main file

3/5/33.

3) Copy of the judgement which is available in Law file 60-32 is put up. Reference to para 40 of pg X, in the judgement.

3/5/33.

See Law 60-32-1

4) Three put up the separate para first referred to in para 1 of the D. S. P's letter

C

9/8/33

Serial No.

5) One Parusharam Sait was prosecuted under section 420 and 511 I.P.C for making a false claim on the Currency Office at Madras in respect of a currency note, and was convicted and sentenced by the City Magistrate, Mysore, to rigorous imprisonment for six months and fine of Rs.1,000. In appeal, the Sessions Judge reduced the term of imprisonment to three months. The accused has applied for revisio to the High Court, and the case is pending there. Two of the Police officers connected with the investigation are Messrs Seshagiri Rao, A.S.P and Muthoji Rao Sindhia who was then A.S.P at Mysore. As there was delay in the investigation and prosecut of the case and as some two documents are alleged tc be missing, the I.G.P has obtained the explanations of these officers and forwarded them, with his report, to the Government.

6) The facts of the case are briefly these: Bhupalam Narasimhiah Shetty of Hindupur sent on 8-6-29 to Messrs Gulab Khan Mahomed Khan of Channapatna an insured cover containing a covering letter and currency notes for Rs.300/-. This was received by the latter firm on 10-6-29 and the evening of the same day Abdul Rauf Khan, a partner of the firm, found that the right half of one of the two hundred rupee notes was missing. On the next day, he presented the left half of the note together with the covering letter and the insured cover from Bhupalam Narasimhiah Shetty to the Mysore Bank at

.t Chennapatna for obtaining the full value from the urrency Office. These papers were forwarded to the ysore Bank at Bangalore, who sent them on to the urrency Office at Madras with a requisition for ayment. Thus the left half of the note was lodged n the Currency Office on 14-6-29 and after some orrespondence the Currency Office paid tentatively s.50/- on 23-7-29 to the Chennapatna firm. The ccused Parasuram Sait preferred a claim to the Currency ffice on 29-3-1930 on the right half of this note. e sent affidavits and declarations through his lawyer .Subba Rao affirming that the two halves of the currency ote were with him on 14-10-29. Since the left half id already been lodged in the Currency Office on 4-6-29, the Currency Office suspected fraud and wrote a tter (Ex. P2) on 24-7-30 to the I.G of Police and nt enclosed some of the original papers. The pers were referred to Mr. Seshagiri Rao for enquiry the I.G.P on 28-7-30. The case was under his vestigation till 6-3-1931 when it was transferred the D.S.P at Mysore who handed them over to Mr. thoji Rao Sindhia (then A.S.P) on 14-3-1931. The tter was in charge of the case till 13-8-1931 when he ferred it to the Division Inspector. The charge eet was placed against the accused on 15-10-1931.

7) During the course of the trial in the Magistrate's urt, it was found that the letter written by Bhupalam asimhiah Setty of Hindupur to the Chennapatna firm and envelope thereof were not forthcoming, and Mr. Seshagiri is held responsible for the loss of these two documents. main charge against Mr. Seshagiri Rao is this. It is

Flag N.

Serial No.

is stated that these two documents must have been sent by the Currency Office to the I.G.P along with the covering letter (Ex. P2) on 24-7-30 and that they must have been passed on to the custody of Mr. Seshagiri Rao when the papers were referred to him for enquiry and that, when the papers were returned by Mr. Seshagiri Rao to the I.G.P's office in March 1931, these two documents were not therein and that he is responsible for their loss and his conduct is suspicious.

8) It will be seen that this charge has no foundation. This charge was levelled against him by the City Magistrate in para 40 of his judgment in the following terms:-

> " The letter of Bhupalam Narasimhiah Setty ~~of~~ of Hindupur which probably contained information regarding the numbers of the notes sent to the Firm P.W.6 and his uncle was sent with its cover by the Bank of Mysore to the Currency Office at Madras on 27-6-29 as per Ex.P9 and the latter sent all the papers including these documents to the Inspector General of Police on 24-7-30 as per Ex.P2. The very day the papers were received by the I.G.P, they were referred to P.W.3, Mr. D. Seshagiri Rao, who was entrusted with the investigation of the case. What became of the letter in question has not been explained. Some investigation appears called for to solve the mystery".

It is rather unfortunate that the City Magistrate passed these remarks without fully considering all the papers on the records. In the Currency Offic letter of 27-4-30 (Ex. P2) it has been specifically noted thus -- "enclosures 11 (one list and 10 letters)". There can be no doubt therefore that

lag 0

that only 10 letters were sent as enclosures as enumerated in the list. All these letters were exhibited in the Court. The letter of Bhupalam Narasimhiah Setty and its envelope are not in this list. There is no warrant for concluding that the letter and the envelope in question must have been sent as enclosures to the letter (Ex. P2) to the I.G.P when it is not mentioned in the list attached thereto. It does not seem to be reasonable to infer that the Currency Office would have been so unbusiness-like as to omit to mention in the list these letters. Apart from this, there is the specific statement of the Currency Officer himself in a subsequent letter that these two letters were not sent to the I.G.P. During the trial the City Magistrate wrote to the Currency Officer to forward the said letter and its cover. In the first letter dated 16-3-32 the Currency Officer wrote to state that:

> " all the letters received in this office from the claimants and those received from their agents have been sent to the I.G.P with this office letter dated 24-7-30 and some of the documents have recently been filed as exhibits in your court. The letter stated to have been written by Bhupalam Narasimhiah Setty to Abdul Rahuff Khan and its cover are not with this office".

The City Magistrate appears to have again written to the Currency Officer on 6-6-1932 and in his reply of 8-6-32 the Currency Officer states as follows:

> " I have the honour to invite a reference to this office letter dated 16-3-32 in which it was stated that letters received from the claimants and their agents were sent to the I.G.P Mysore, with this office letter dated 24-7-30 and that the letter of Bhupalam Narasimhiah Setty and the cover referred to were not with this office. It was not stated by this office that the letter and the cover in question were transmitted to the I.G.P Mysore, though the letter No. B 32-34736 dated 27th June 1929 received from the Bank of Mysore and now stated by the Bank to enclose the letter and envelope in question was duly sent to

Flag Q.

Serial No.

document which encloses [illegible] the letter sent by

Flag R

to that officer. A copy of the list of documents sent to the I.G.P with this office letter dated 24-7-30 is herewith forwarded".

It is evident beyond doubt from this list that only 10 letters were sent to the I.G.P, that the letter ar cover in question were not sent to him by the Currenc Office and that they could not have passed into the possession of Mr. Seshagiri Rao. [I have gor through the original records of the case which are in the High Court office, and this letter of the Currency Officer is in the records though not exhibited.] In the face of this letter it is somewhat surprising that the City Magistrate should infer that the missing documents were sent to the I. ~~im~~ by the Currency Officer. Very likely the City Magistrate lost sight of the Currency Officer's lett of 8-6-32 ~~in xiri~~ while writing the judgment because it was not marked as exhibit. They have probably be mislaid in the currency office itself and the City Magistrate could have got this cleared up when the officials of that office were examined. But they w not questioned about it. On this point the remark on the other hand Sessions Judge is merely general that it is unfortunate that these documents have not been produced by the prosecution and does not throw the blame on ~~the~~ Mr. Seshagiri Rao.

9) The I.G.P also does not appear to have take note of this letter of 8-6-32 from the Currency Officer and probabilises that the two missing documents must have been received by the I.G.P's office

TE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

ffice from the Currency Officer, and that it is nreasonable to suppose that such important documents o essential to the investigation of the case were not orwarded by the Currency Office to the I.G.P. The .G.P refers only to the Currency Officer's letter of 6th March 1932 wherein it is stated that the said documents ere not in the Currency Office and concludes that they ust have been sent by them to the I.G.P. His attention oes not appear to have adverted to the later letter f 8-6-32 from the Currency Officer and the list enclosed hereto. Flag C Flags Q and R.

(b) Since these two documents did not come into the ands of Mr. Seshagiri Rao there is no occasion for him o mention that they were missing when the records were eturned by him in March 1931 to the I.G.P's office. here is no ground for attaching any blame to Mr. Seshagiri ao in respect of this matter. He could have no motive n suppressing these documents. The existence of hese documents has been got elicited by Mr. Seshagiri Rao hen he examined the witnesses during investigation, which e would not have done if he wanted to suppress them. urther, they were not documents of any evidentiary nportance. The letter did not contain the number of he currency note as admitted by Abdul Rauff Khan. The essions Judge rightly observes that even if the letter nd the cover had been produced, they would not have hrown any further light on the question as the numbers f the notes were not mentioned in the said letter, though he City Magistrate surmises in spite of the evidence to the contrary, hat the letter probably contained information regarding he numbers of the notes.

Serial No.

11) Another charge against Mr. Seshagiri Rao is in respect of his method of investigation. The objection is to his having examined the accused to start with and having mentioned to the accused the fact of the other half of the note having already been lodged in the Currency Office. The question at issue was whether the accused had both halves of the notes with him at any time and whether he committed fraud. In the absence of fraud the state of mind of the accused and his knowledge of the facts are very relevant and it is only from his examination that these particulars can be ascertained. As it has turned out, the examination of the accused to start with and fixing him to the position that he had both halves of the note with him in October 1929, before he could obtain legal advice, have led to his conviction. This admission before the investigating officer has been held admissible by the City Magistrate, though the Sessions Judge holds otherwise on the authority of 62 M.L.J 742. The decisions of the High Courts are not at variance on this point and 62 M.L.J 742 was decided in 1932 some two years after the investigation by Mr. Seshagiri Rao. The result of the case shows that the method adopted by him was not wrong, and even if it be held technically wrong, it is only an error of discretion.

12) A third charge against him is that he failed to

Note—Contn. Sheet

WD.02328—GPB—10,000—22-4-30

to seize the account books and papers of the accused Abdul Rauff Khan and Narasimhiah Chetty. His explanation is that he examined all of them and did not find them relevant to the prosecution. All the relevant papers were in the Currency Office. The account books with these people did not contain the numbers of the currency notes. In fact none of these books and papers have been relied upon or exhibited by the pros cution and his failure to seize them does not seem to have been wrong.

13) A fourth charge against Mr. Seshagiri Rao is that he delayed the investigation. The papers were referred to him on 28-7-30 and he had not completed investigation even by 6-3-31 when they were taken away from him. His explanation is that he was put on other work such as Agricultural Dairy Farm Co's doings, Ghatti Woddars, forgeries in Bangalore City, William & Co's swindling, kidnapped Mahomedan boy, Kabli Kaval murders in Tiptur, and that these occupied him till February 1931. In the present case he had examined the witnesses in Mysore, Chennapatna and Hindupur. The I.G.P remarks that because he had to make other enquiries it did not mean he should neglect this case, and he considers that his work was a waste of time. The I.G.P holds that he deserves a censure for delay in investigation and is unable to recommend his confirmation. He is still shown as a supernumerary A.S.P.

14) The I.G.P finds that the delay in investigation on the part of Mr. Muthoji Rao Sindhia is also inexcusable. The papers were referred to him as A.S.P on 14-3-31. He did nothing till 19-8-31 when he passed them on to the Divisional Inspector.

5233/P Conduct of certain Police Officers in Paragaran Sait. Currency note case

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

His explanation is that the D.S.P directed him to hold a personal enquiry, that he felt bound to do it himself and that it took time to correspond with the Currency Office and to get at the accused. The I.G.P finds that he wrote one letter to the Currency Office and did nothing else, that he has seriously delayed the registration and investigation of the case, that his explanation is inacceptable and deserves a censure. It is also stated that Mr. Muthoji Rao Sindhia's conduct is likely to be criticised in connection with the defalcation of the Mysore City Police Co-operative Society funds which is sub judice. He recommends that his confirmation which was due on 7-5-33 may be postponed for a year.

Fil... 23 AUG 1933 No. 1533

15) (No case seems to have been made out against Mr. Sethagiri Rao Chief Secretary) So far as his case is concerned. But the Govt. reports all that is known to Government. 22/8/33

Sethagiri Rao has explained. RR 23/8/33. First Member. 23/8/33

16) I do not agree in the view that the missing letter & envelope were not sent to the Currency Office by the D.S.P. (Please see my remarks in the margin of the note above) I agree with the D.S.P in holding that these documents must have been received in the D.S.P's Office

Note—Contn. Sheet

5355 [illegible]

DEWAN'S OFFICE
Reg
28. AUG. 1933

1533

were among the papers handed over
to ~~him~~ Mr Sivaji Rao — My nearest
white file when returned by Mr Sivaji
Rao — the S.P. suspects that Mr Sivaji
Rao must have deliberately suppressed
them. This is not an unreasonable suspicion
when taken in conjunction with Mr Sivaji
Rao's failure to take any action ~~not to~~ to
investigate the case for nine months — altho'
it is after all a simple case, requiring no
elaborate investigation. This also changes as
stated by the S.P. that Mr Sivaji Rao first
went to the accused ~~and examined~~ and examined him. The usual procedure for
an investigation officer is to collect all other evidence
& then if necessary question the accused. The
conduct of Mr Sivaji Rao is in my opinion suspicious.
Mr Muthaji Rao Scindia has also ~~not~~ proof
~~neglected~~ unnecessarily delayed the case. He
took no action whatever for 5 months.

As regards the latter, the S.P. recommends
that his ~~suspension~~ confirmation which was
due on 7-5-33 may be postponed for a year.
His case appeared — (Even after a year, his
confirmation must depend on the quality of
work he does). (1)

As regards Mr Sivaji Rao, the S.P. says that
he cannot recommend his confirmation as
A.S.P. & that "he is unfitted for the position
as Asst Supdt". He pay is drawing increments
in the Asst Supdt's scale & has already reached Rs 230-
in the pay scale Rs 200-10-250. Before any
action can be taken about the appointment of
the Dewan approves, he can consider about
meeting of Council. (2)

26/8/33

Write to Circle Asst

28.8.33 Dewan 26/8 26/8/33

(For Disposal at a Meeting)

No. C. 43 1933/4

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

(clause V of the schedule)

Notice to be taken of the unsatisfactory conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police, in connection with the investigation of a currency note case.

Circulated to the Members of Council.

By Order,

R. Rogers

28th August 193**3.**

Chief Secretary to Government.

1662 29/8 **First Member of Council.**

1171 30/8 **Second Member of Council.**

43 1/4 1/4

908TH

Extract from the Proceedings of the.....Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 16th September 1933. *19*

9. Subject. - Clause v of the schedule.

Notice to be taken of the unsatisfactory conduct of Mr. D. Sechagiri Rao, Assistant Superintendent of Police, and of Mr. R. Muthoji Rao Scindia, District Superintendent of Police, in connection with the investigation of a currency note case.

OPINION OF THE COUNCIL.

Mr. Sechagiri Rao's increment may be stopped and he need not be confirmed till his conduct is pronounced satisfactory.

The First Member's proposal regarding Mr. Muthoji Rao in his note dated 26th August 1933 may be approved.

(Signed) MIRZA M. ISMAIL,
DEWAN.

For favour of Final Note.
First Member)

"EXTRACT"

7.9. Signed by Member 18/9/33
20/9

Chief Secretary to Government.

WD 1471—GPB—2,000—1-3-21

Final Note by the First Member of Council.

Subject:—

Unsatisfactory conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police, and of Mr. R. Muthoji Rao Scindia, District Superintendent of Police, in connection with the investigation of a currency note case.

The Inspector General of Police has reported on the unsatisfactory conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police, and of Mr. Muthoji Rao Scindia, District Superintendent of Police, Kadur, in connection with the investigation of a case of a false claim made to the Currency office, Madras, by one Parasuram Sait of Mysore. The papers relating to the case were received by the Inspector General of Police from the Currency office on the 28th July 1930 and were referred on the 29th idem to Mr. Seshagiri Rao who was in charge of the C.I.D. Although the case was an extremely simple one he took no action on it until October when certain statements were recorded. Again he took no further action until March 1931 when the papers were taken over from Mr. Seshagiri Rao and handed over to the District Superintendent of Police, Mysore, for further action. The District Superintendent of Police in his turn handed over the papers to Mr. Muthoji Rao Scindia who was then the Assistant Superintendent of Police of the Mysore City. Mr. Muthoji Rao Scindia received the papers on the 14th March 1931, but there was no progress on the case till after 19th August 1931 when he handed over the case to Inspector Garudachar for investigation.

Mr. Seshagiri Rao's explanation for the delay is that he was occupied with other important cases entrusted to him, while Mr. Muthoji Rao says that the District Superintendent of Police had asked him to conduct the investigation personally and that he had to attend to certain correspondence with the Currency Office, Madras, that Parsuram Sait was absent from the station and subsequently pleaded inconvenience and did not present himself for examination, etc.

As regards Mr. Seshagiri Rao, the Inspector General of Police brings to notice a further point that certain documents connected with the case which in all probability were in the file of papers received in the office of the Inspector General from the Currency Office, Madras, were not to be found in the file when they were returned by Mr. Seshagiri Rao. There is no positive proof that documents were lost or removed while they were in Mr. Seshagiri Rao's custody, but there is room for grave suspicion about his conduct.

As regards Mr. Muthoji Rao, the Inspector General recommends E (Page 5) that his confirmation may be postponed for a year, i.e., till 7th May 1934. I am of opinion that this may be approved, but even after a year his confirmation must depend on the quality of his work till then.

As regards Mr. Seshagiri Rao, the Inspector General has not made any definite proposal, but he says that he cannot recommend his confirmation as Assistant Superintendent of Police and that "he is unfitted for the position of an Assistant Superintendent". The officer is drawing increments in grade Rs.200-10-250 and has already reached Rs.230.

The question regarding these two officers was considered in Council on the 16th instant when the following resolution was recorded:- Page 14 of Office Note Book

"Mr. Seshagiri Rao's increment may be stopped and he need not be confirmed till his conduct is pronounced satisfactory. The First Member's proposal regarding Mr. Muthoji Rao in his note dated 26th August 1933 may be approved".

The resolution of the Council may be graciously approved.

Camp Mysore,
20th September 1933.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council relating to the unsatisfactory conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police, and of Mr. R. Muthoji Rao Scindia, District Superintendent of Police, in connection with the investigation of a currency note case, for His Highness's gracious approval.

Mirza M. Ismail

Mysore, DEWAN.

20th September 1933.

C 43

18

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Unsatisfactory conduct of Mr. D. Seshagiri Rao, Assistant Superintendent of Police and of Mr. R. Muthoji Rao Scindia, District Superintent of Police, in connection with the investigation of a currency note case.

15

Order.

~~KRW~~

22/9/33

C Secy

23-9-33

General and Revenue
Secretariat

Subject:-

Unsatisfactory conduct of Mr. D.Seshagiri Rao, Assistant Superintendent of Police and Mr. R. Muthoji Rao Scindia, District Superintendent of Police, in connection with the investigation of a currency note case.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangachari
Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

2387/25/9

FIRST MEMBER OF COUNCIL. 25/9/33

1784/25/9

SECOND MEMBER OF COUNCIL. 25/9

Under Secy. Proh.

26/9/33

26/9/33

NOTE.—Contn. sheet

Serial No.

Draft letter to Hon'ble G. of Police is submitted.

RSM
30.9.33.

For perusal before issue

Chief Secretary)

Ce
1/9/33

RG
2/10/33

Jmm
4
4/10/33

2 — To

The D. to G. of Police (copy to the Comptroller)

Letter no. camp 13 dated 5.10.33 stating that the increment of Mr. D. Sesharao Rao may be stopped & his confirmation deferred till his conduct is proved satisfactory & that the confirmation of Mr. Mukhoji Rao Scindhia deferred for one year from 7.5.33 & that his confirmation even then should depend upon the quality of his work.

B
6/10/33

Confidential reports in respect of Messrs D. Sesharao Rao & R. Mukhoji Rao Scindhia have been issued

RM
6/10

NOTE—Contn. Sheet.

Pol 156-32-1 5355 p 83

POLICE DEPARTMENT

Tel. Address
"ALACRIS"

PHONE No. 298.

OFFICE OF THE INSPECTOR GENERAL OF POLICE
IN MYSORE.

When replying please quote No. C.C. 13/32-33.

Dated Bangalore, 7th April, 1933.

Encl. One file.

From

F. A. HAMILTON, ESQ., C.I.E.,
Inspector General of Police in Mysore,
BANGALORE.

To

N. MADHAVA RAO, Esqr., B.A., B.L.,
Chief Secretary to the Government of Mysore,
BANGALORE.

SIR,

With reference to para 40 of the judgment of the City Magistrate, Mysore, in Criminal Case No.118/31-32 on the file of his Court in which one Parasuram Sait was prosecuted under sections 420 and 511 I.P.C. in connection with his false claim of a currency note, and in connection with which Government desired to have the explanation of the officers responsible for the delay in the investigation and prosecution of the case as well as the missing of relevant documents, I have the honour to state that the part played by Assistant Superintendent of Police Mr. Seshagiri Rao in delaying the investigation of the case have been brought to the notice of Government in my letter No. C.C. 12/31-32 dated 5th September, 1931. The explanation furnished by Mr. Seshagiri Rao at that time is appended (Ex. 1).

After the case was taken away from Mr. Seshagiri Rao, the papers were forwarded to the Assistant Superintendent of Police, Mysore City (Mr.R. Muthoji Rao Scindia) and received by him on 14th March, 1931. He did not pass them on to Inspector Mr. B. Garudachar for investigation till 19th August, 1931. Mr. Muthoji Rao Scindia's explanation is appended as Ex.2.

He states therein that the records were handed to him by his District Superintendent of Police for personal enquiry and he felt bound to make such enquiry himself. He states that he had to correspond with the Currency Officer, Madras, and that he issued notice to Parasuram Sait to appear before him and it was not

after his examination that he was able to forward the records to the Divisional Inspector for regular investigation. It has to be mentioned that the correspondence with the Currency Officer, Madras, consisted in one letter and that the failure of Parasuram Sait to appear was no cause for delaying the registration and proper investigation of the case which was only done after the case had been handed over to the Divisional Inspector.

It must be held, I think, that both these officers have seriously and unnecessarily delayed the registration and investigation of this important case. As regards the missing documents and other aspects of the investigation made by Mr. Seshagiri Rao, the following note (Exhibit 3) will show in what respects Mr. Seshagiri Rao erred and how far his conduct is suspicious in regard to the investigation he made and missing of important documents referred to by the Court. Mr. Seshagiri Rao's explanation is appended in original. (Exhibit 4). It is a lengthy document extending to 50 pages but the following seem to be the essential points :--

Mr. Seshagiri Rao first says that his enquiry was no investigation, this being an endeavour to cover the extraordinary proceedings adopted by him in starting with the examination of the accused. We are not concerned with what Mr. Seshagiri Rao thinks of his proceedings. The papers were sent to the Inspector-General of Police from the Currency Office, Madras, for investigation and prosecution and were passed on to Mr. Seshagiri Rao for necessary action. Were his view correct, the statements of the accused and the evidence quoted by him would become admissible in evidence. But the original and appellate Courts both held that these statements were not admissible on the ground that the statements made were made during the course of Police investigation.

As regards the missing documents Mr. Seshagiri Rao deals with this point at pages 14 to 22 of his explanation. The essence of his explanation is that the missing documents

were never received in the Office of the Inspector-General of Police and must be kept back by the Currency Officer. He refers to Ex. P 2 in support of his contention. While it is true that there is no specific reference to the said documents in this exhibit but against this there is the evidence of the Madras Currency Officer's letter No. 5618 dated 9th January, 1932, addressed to the City Magistrate, Mysore, given on page 42 appended to Mr. Seshagiri Rao's explanation. This letter shows that while most of the papers with the Currency Officer were forwarded to the Inspector General of Police, the remaining paper in that office required during the trial were forwarded with a list. This second list contains no mention of the missing documents. In a further communication exhibited on page 47 appended to Mr. Seshagiri Rao's explanation makes it perfectly clear that the missing documents had not been retained in the Currency Office. The evidence given in Court showed that the missing documents were sent by the Bank of Mysore to the Currency Office whence all the essential papers were sent to the Inspector-General and passed on without being interfered with to Mr. Seshagiri Rao. It is unreasonable to suppose that such important documents as the missing ones - documents so essential to the investigation of the case - were not forwarded by the Currency Office to the Inspector General of Police i.e., as enclosures to P 2 and there is no reason to suppose that the Currency Officer would have retained such pertinent documents. Even supposing he did so on the first occasion he would not do so on the second when all the records relevant to the case were called for; and as the said documents were not sent on the second occasion the only conclusion to be drawn is that they were sent with the first. Had these important documents not formed part of the record put in the hands of Mr. Seshagiri Rao he would obviously have pointed out the fact when he eventually began his enquiry and examined witnesses at Chennapatna and Hindupur, who mentioned them. The fact that they were enclosures attached to exhibit P 2

and the absence to mention them specifically as such enclosures facilitated their removal; and the fact that there were originally 3 enclosures to Ex. P. 2 and later on only one, leads to the conclusion that the missing documents were those 2 enclosures.

On pages 30- 31 of his explanation Mr. Seshagiri Rao endeavours to show that in a draft letter written by him on or about 4th March, 1931, he desired to discover whether the missing documents were still in the Currency Office, Madras. The draft letter which is appended herewith (Exhibit 5) while it makes clear the fact that the existence of the missing documents must have been apparent with Mr. Seshagiri Rao, all he asks for is the procedure followed in payments on half notes and there is no reference to the fact that the said documents were then missing and were not in his possession. The said draft conveys a distinct impression that the existence of the documents now missing was then unquestioned and the fact that they were missing was never raised by Mr. Seshagiri Rao.

As regards the delay in the investigation, Messrs. Seshagiri Rao and Muthoji Rao Scindia must be held responsible. The former was given the papers on 28th July, 1930, and nothing was done until 10th October, 1930, when some action was taken up to the 19th October after which nothing was done until 4th March, 1931, when the draft letter mentioned was submitted. The pendency of the file was then discovered. Mr. Seshagiri Rao pleads that he was occupied in other cases. As I then remarked on Mr. Seshagiri Rao's explanation (Exhibit 1) the Assistant Superintendent's work was simply waste of time and the other cases which he makes an excuse for the delay in the investigation of this particular one were all likewise neglected. The case was immediately taken out of his hands and passed on for investigation to the District Superintendent of Police,

Mysore District, only to suffer a delay of 5 months at the hands of Mr. Muthoji Rao Scindia. The latter's explanation that he was involved in work is totally inacceptible. The work of these officers, in my opinion, deserves a censure for the delay in the investigation and neglect of the case.

As regards the missing documents and the investigation of the case, while there cannot be said that there is proof positive that the documents now found missing passed into the hands of Mr. Seshagiri Rao, he never pointed out the fact that they were missing though obviously they were essential for the investigation and prosecution of the case. His lengthy explanation does not disprove the fact that he got them but rather tends to the conclusion that the documents did pass into his possession and subsequently disappeared. I must regard his conduct in the case as gravely suspicious.

In these circumstances I am not in a position to recommend the confirmation of Mr. D. Seshagiri Rao as I consider his neglect of the investigation of this and other cases and his suspicious conduct in this one shows he is unfitted for the position of an Assistant Superintendent. As regards Mr. Muthoji Rao Scindia he was eligible for confirmation on the 7th May, 1932. He was at fault in connection with this case and his conduct is likely also to be criticised in connection with the defalcation of the Mysore City Police Co-operative Society Funds which is still sub judice. For the present his confirmation may be postponed for a year i.e., till 7th May, ~~1933~~ 1934.

I have the honour to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

1932-33

Department of Police

OFFICE of the I. G. of Police in Mysore,

STATION Bangalore

No. C. C. 13/32-33

Dated 7th April, 1933.

To whom sent	Date	Initial.
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on	

(SUBJECT.)

Report to Govt on the Judgment of the City Magistrate, M in the Parasuram Suit Case, with 5 Exhibits

Not to be filled in the case of permanent records.

Submitted

Reference:- Order dated 6.3.31 calling for my explana-tion for the delay in the enquiry relating to the case of the claim preferred by Sait Radha Krishna Das Parasuram by depositing the right half of the note No.S/39- 525077 of Rs 100/- with the Currency Office, Madras.

The reference which was received from the Currency Office, Madras, in connection with the above claim was referred to me on 28.7.30; and I received it on my return to Bangalore on 29.7.30. But I could not attend to it immediately, because other work was entrusted to me by the then I.G.P. Complaints had been received against the Managing Director of the Mysore Agricultural Dairy Farm Co Ltd, Bangalore. The I.G.P. who wanted to have the affairs of the company investigated by the Inspector to be appoin-ted under the Mysore Companies Regulation, ordered me to collect confidentially full particulars about the work-ing of the company and its Managing Director. While engaged in this, the work of collecting full and complete particulars about the wandering gang of Ghatti-Woddars, a section of which was residing in the Mysore District, was entrusted to me. A Sub-Inspector from Mysore District was sent for from Mysore to help me in this work. These works kept me in Bangalore during August 1930. I completed them. When the Offg I.G.P. took charge on 1.9.30, he gave me additional work at Bangalore.

He had received some petition in which it had been alleged that a gang headed by retired Inspector Mr. Gudiappa, and assisted by some local Lawyers and Receivers, was at work in Bangalore, and was doing business in forger-ies, disposal of stolen properties, etc. Cases of encashment of forged Bills in the State Huzur Treasury, as also a case in which one Chennabasava had been caught with another forged Bill, were on hand with the Bangalore City Police. The Offg I.G.P. put me on the work of collecting informa-tion regarding the allegations made in the petition; and I had no option to go out to attend to the three pending cases I had already on hand. Complaint was received against the

Proprietor of William & Co. and Bangalore Chemical Works as regards his swindling propensities. I was asked to enquire into it, and collect the history of the two brothers who had been cheating the public. I completed all this, when on a communication received alleging that a Mahomedan boy of Bombay had been kidnapped by a Fakir and taken to the Bababuddan Hills I was ordered to proceed to the hills in search of him. This I attended to from 3.10.30 to 6.10.30 and returned to Bangalore and reported the result. It was only then I was able to attend to the following three enquiries which were pending with me:-

(1) The enquiry relating to a mutilated currency note of Rs 5/- in which the Currency Officer, Madras, suspected that some nefarious practice was going on in the Mysore State, pre-sumably for purposes of forging Currency Notes.

(2) The present case of the double claim.

(3) Further enquiry into a case of abstraction of currency notes from an insured article sent from Arkalgud Taluk to Adoni.

I poceeded to Mysore, Chennapatna and Hindu-pur in connection with these enquiries between 8.10.30 and 19.10.30 and returned to Bangalore on 20.10.30. I had finished the enquiry in the first case and submitted my report. That matter is disposed off. The last two enquiries in which I had done partial work, were still pending when I got orders to proceed immediately and take up the investi-gation in the Kabli-Kaval murder case of Tiptur Taluk. This order I got on 22.10.30, and left for Tiptur on the morning of 24.10.30. During my short stay in Bangalore in January and after my return from the murder case on 1.2.31, the accumilated arrears of correspondence in the office has occupied my time till now. I believe I have attended to all important pending referencs.

I have represented the circumstances in which for reasons, which I feel, were beyond my control, I have occasioned the delay in this as well as in the postal case about which I have submitted a separately.

I regret that while I am called upon to

account for the delays, I find myself unequal to impart to my explanation the urgency attached to other work along side the orders passed in the present cases. I can only submit that no indifference on my part to apply to the work myself entrusted to me, has contributed to the neglect of duty, which I am now to answer. I leave to the sympathetic Inspector General of Police to judge me.

D Gothaguri Bo
Assistant Superintendent of Police

Dated 9.3.31 10

C.I.D.

So far as I have seen the ASI's work is simply waste of time. Take the Kharal murder case reported to - a lot of enquiry was made during number of days a person was put up who pretended to confess but as soon as his statement was noted the whole fabric collapsed. When the ASI was ordered to say the case he found an excuse for going after another wild goose chase. And now his & his affairs are put forward as excuse for total neglect of routine work - a neglect which no deputation on any enquiry can excuse.

I cannot accept the excuses made.

9/3

nf

01793—GPE—50,000—5-9-31

MYSORE POLICE DEPARTMENT.

In reply, please quote number, date and short title.

Received..... *Registered*.....

From (Name) R. Muthoji Rao Scindia, Esq., B.A.,
(Designation) Superintendent of Police,
Railways and C.I.D. in Mysore,
Post Box....., (STATION) B A N G A L O R E.

Telegraphic Address.....

To

F. A. HAMILTON, ESQ., C.I.E.,
Inspector General of Police in Mysore,
B a n g a l o r e.

No. C.5/32-33 *Dated*.... 17th August *1932*.

SIR,

ENCLOSURES .....

.....

.....

SPARE COPIES .....

With reference to your Memo No. C.2.68/32 dated 13th August 1932, calling for a report as to what necessitated me to have the records of Enquiry, in Government vs Parasuram Sait with me from 14-3-31 to 13-8-31, and what action I took to expedite the submission of the final report in the case, etc., I have the honour to state as follows :-

It was nearly an year and a half ago that the records of this case first came into my hands and at this distance of time and without any records, I do not feel I am placed in a position to elucidate an exhaustive and categorical explanation as to what circumstances necessitated the retention of these records with me for so long a period. But I could recapitulate the salient features in the history of this case, and as best as I could remember, I am conscious, I did my best, with the sole intention that not only the investigation should be expeditious but also the termination of the case should be successful.

I got the records from Mr. R.P. Mallappa, the then District Superintendent of Police, Mysore District, with a memo for personal enquiry which naturally bound me to a certain course of action which probably, I would not have adopted if the records had been only

sent to me for necessary action or disposal, which procedure would have allowed me a certain freedom to exercise my discretion consistent with the exigencies of the particular case. As things stood, I had to hold an Enquiry into the matter myself and this naturally involved a certain amount of unavoidable delay, in as much as, the Assistant Superintendent of Police, Mysore City, in those days, had such pressure of work from all sides and this was not the only type of reference or the only instance where the District Superintendent of Police Mr. Mallappa had been pleased to direct me to hold - personal enquiries.

The records when they reached me were in a state that could be said neither complete nor conclusive. And it was not possible for me to begin an enquiry straight away, unless I collected and marshalled the data available in a proper form, so that the enquiry may be begun on a basis which could be substantial. I had to correspond with the Currency Office, Madras, and all this took some time.

Then I caused notice to be issued to Parasuram Sait to appear before me, but for a month or two he could not be got as he was, I believe out of station, being a native of Sind, and when he was got he pleaded certain inconvenience and procrastinated his appearance. However, I got him and examined him as also his lawyer who had appeared for him at the time when he had filed the affidivit in the City Magistrate's Court claiming the other half of the hundred rupee note.

My enquiry into the matter disclosed that the Sait was trying to weave out a new theory to exhonorate himself from - culpability of his attempt to cheat the Currency Office.

In view of this development, and as the evidence on record so-far collected indicated quite a different story altogether, I considered that in the fitness of things Criminal proceedings had to be instituted against this individual, and for purposes of regular investigation, which involved the possibility of often going out of Head quarters, I forwarded the entire records to the concerned

Divisional Inspector to take the case on file and submit a final report in the matter.

The Divisional Inspector (as at that time, the re-organisation of the City Police into Crime and Administrative Branches had not yet taken place) took up the case and conducted the investigation under my guidance and supervision. He was deputed to Madras, Bangalore, Channapatna and other places to examine certain witnesses and the delay between the final report and the submission of the charge sheet might be accounted for, as due to the prolonged consultations the Inspector had with the Public Prosecutor in drafting up a charge-sheet, as the case was important and complicated.

Due to the complexity of the case, delay to a certain extent was inherent in the case itself and all this had been brought to the notice of the then District Superintendent of Police, and I submit, there was nothing I did, or did not do, which could be taken as an inclination on my part to minimise the importance of pushing through the enquiry with the utmost despatch: on the contrary, I paid my most anxious attention, not only to the speed but also to the ultimate result of the case. I may be forgiven if I say, that the delay in the investigation of this case after the records came to me was not in-commensurate with the success which attended it.

I have the honour to be,

Sir,

Your most obedient servant,

Superintendent of Police,

RAILWAYS AND C.I.D.

POLICE DEPARTMENT

Tel. Address
"ALACRIS"
PHONE No. 298

When replying please quote
No.....

OFFICE OF THE INSPECTOR GENERAL OF POLICE
IN MYSORE

Dated Bangalore, 11th November, 1932.

From

F. A. HAMILTON, Esq., C.I.E.,
Inspector General of Police in Mysore,
BANGALORE.

To

Memorandum

Sir,

Mysore City Cr. No.8/31-32. Section. 420 I.P.C.

At the trial of this case certain documents, namely an insured cover and a covering letter with which currency notes for Rs.300/- were sent by Bhupalam Narasimhiah Chetty of Hindupur to Messrs. Gulab Khan Mohammed Khan of Chennapatna on 8-6-29 were found to be missing from the file. These documents passed into the hands of Abdul Ravoof Khan and thence to the Chennapatna branch of the Mysore Bank and then to the Currency office, Madras, with Abdul Ravoof's statement in connection with the claim for payment of the value of one half Rs.100 note, one half of which had been lost. The Currency officer referred all the papers to the Inspector General of Police in Mysore on 24-7-30 in connection with a false claim for payment of the value of the lost half note.

In addressing the Currency officer the Bank of Mysore sent the declaration of Abdul Ravoof Khan, the letter of Bhupalam Narasimhiah Chetty and the insured cover. The Currency officer has distinctly stated that all the letters received by them were sent to the Inspector General of Police and that none of the connected papers were in his office.

The complete file of papers was handed over by the Inspector General of Police to Mr. D. Seshagiri Rao for investigation on 25-7-30, the day of its receipt. Mr. Seshagiri Rao did nothing till 10-10-30. (the matter of the delay has been dealt with separately) He sent the file back to the Inspector General of Police on -2-31

and when he did so made no comment on the fact that the registered cover and covering letter in question were missing from the file. Yet the statements he recorded from Abdul Ravoof Khan (P.W.6), Chayapathi Rao and Bhupalam Lakshminaranayya of Hindupur (extracts appended) convey the inference that these documents were not in the file when he questioned these persons.

It is significant that Mr. Seshagiri Rao in making such enquiries as he did began by questioning the accused in Mysore on 10-10-30 revealing to him the fact that the other half of the note on which he had made a false claim had been cashed more than a year previously, a most improper revelation and a most extraordinary opening of his investigation if such his enquiries were meant to be. Further he ~~xaxxd~~ failed to serious to take any action, refraining from seizing the katcha account book of Abdul Ravoof Khan at Chennapatna and failing to seize papers or account books, from the accused and witnesses in Mysore, Chennapatna and Hindupur.

There is no reason to suppose that the file of papers including the missing documents, was complete when it reached the Inspector General of Police on 28-7-30 or when it was sent to Mr. Seshagiri Rao the same day. Yet from the statements recorded by Mr. Seshagiri Rao between 10 and 19-10-30 it may be inferred that these documents were no longer in the file. Yet Mr. Seshagiri Rao failed to bring the matter to notice when he returned the papers to the Inspector General in February, 1931. This total neglect of the investigation and his strange method of enquiring it by addressing himself first to the accused and putting him wise to the facts of the case render his conduct questionable. He will be required to explain his proceedings in the case.

4. 11. 32

Extract.

While at Chennapatna the Katcha book maintained by P.W.6 and marked Ex:P.22 in the case ought to have been seized along with the connected account books. Bhopalam Lakshminarnaiya was examined at Hindupur on 19-10-30. The original letter with which currency notes of the value of Rs.300/- had been despatched by this witness to P.W.6 was said to have been passed on to the Bank of Mysore and thence to the Currency Office. Ex: P.9 (letter dated 27-6-29) was addressed by the Mysore Bank to the Currency Office through the Bank's Head Office at Bangalore. The enclosures to Ex: P.9 were three in number as noted thereon. They were (1) declaration of P.W.6 (2) letter and (3) insured envelope. The two latter documents appear to have been forwarded with a pherist with Ex: P.2 from the Currency Office to the I.G.P. In his statement dated 18-10-30 P.W.6 stated as follows before P.W.3.* "I have handed over to the Mysore Bank along with my affidavit the postal cover and the letter sent by Bhopalam Narasimhaiya..... The insured cover which we got from Bhopalam Narasimhaiya was opened by my uncle Mr. Mahamed Khan who made the entry in the Katcham book to that effect. He then handed over the insured letter with the notes to me." Mr. Mahamed Khan corroborated P.W.6.

Mr. Chayapathi Rao who was examined on the same day by P.W. 3 stated as follows: "This affidavit along with the insured letter and the cover which were produced by Mr. Abdul Roof Khan (P.W.6) was sent to the Head Office on 25-6-1929." Mr. Bhopalam Lakshminarnaiya examined at Hindupur on 19-10-30 stated as follows: "I see our account book under date 8-6-29. It shows that on account of Adoni Mannaji we have sent Rs.300/- by insured post to Mesrs. Gulab Khan and Mahamed Khan of Maddur Channapatna. The numbers of the currency notes are not noted in our account book, that is, the Katcha book. The notes were sent along with a letter in the insured cover. We have not maintained a press copy of that letter."

REFERENCE:- Docket No. C.C. 13/32-33 dated 15-11-1932, and its accompanying memorandum dated 11-11-1932 from the Inspector General of Police, calling upon me to explain certain matters connected with my enquiry in the Mysore City Crime No. 8 of 31-32 (Government VS Accused Parasuram Sait).

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1. With reference to the above, I have to respectfully submit as follows:-

In cases where the Inspector General of Police desired to ascertain by a preliminary -- enquiry if sufficient grounds exist to warrant criminal proceedings, the practice was to refer the connected papers to the C.I.D. for an enquiry instead of sending them directly to the District Superintendents of Police concerned for registering the case and investigating it. In the present case also, on the receipt of the letter No. H 2 (30-31)2765 dated 24-7-1930 (Ex. P2) from the Deputy Controller of Currency, Madras, the then Inspector General of Police was pleased to direct me on 28-7-1930 to take up the enquiry, I being then in the C.I.D. My enquiry, therefore, was directed to ascertain if there was sufficient evidence to call for the registration of the case with a view to institute criminal proceedings against the -- accused. This may explain the course which I took during my enquiry.

2. But owing to the pressure of other work on hand, I could not start the enquiry in this case until 10-10-1930. I had then on hand two other C.I.D. enquiries: (1) one relating to the mutilated currency

15.1.33

currency note of Rs.5/-,and (2) and another relating to the abstraction of currency notes from an insured cover,in both of which also I had to conduct enquiries at Mysore. So, as soon as I was free, I went to Mysore on 8-10-1930,and conducted my enquiries in all these three cases till ---- 12-10-1930. So far as the presentcase was concerned, I examined accused Parasuram Sait and Abdul Karim Sait on 10-10-1930. I ascertained from the accused that the latter had written his claim letter of 29-3-1930 (Ex. P4)addressed to the Currency Officer. On 12-10-1930, I examined Advocate Mr. G. Subba Rao,who, as the Agent of accused Parasuram Sait,had corresponded with the Currency Office in connection with the claim which accused Parasuram Sait had preferred to the Currency Office on the right half of the currency note No. S/39 525077 for Rs.100/-. I examined the Account Book of the accused,and took from Mr. G.Subba Rao a list of the connected papers which he then had with him. On 18-10-1930, I went to Channapatna, and recorded the statements of Abdul Rauff Khan, his uncle Mahomed Khan,and Accountant Chayapathi Rao of the Mysore Bank, Channapatna, and took -- extracts of the concerned entries under date --- 10-6-1929 which had been made in the Katcha ---- Account Book of the Firm of Abdul Rauff Khan. Manager Mr. T.P.Krishnaswamy of the Mysore Bank, Channapatna, being then absent on leave, I could not get at the file of correspondence with the bank bearing on the claim of Abdul Rauff Khan. On 19-10-1930 I went to Hindupur,and recorded the statement of Bhopalam Lakshminarasimhiah,and examined the Katcha Account Book of Bhopalam Narasimhiah (deceased), and returned to Bangalore on 20-10-1930.

The further enquiries I had to conduct, was mainly in the Currency Office, Madras, where I had to examine the file of correspondence bearing on the original claim of Abdul Rauff Khan and on the false claim of Accused Parasuram Sait, and to record the statement of the official of that office, who was conversant with the papers. In the light of the information collected there, I had to make such enquiries as were necessary in the Mysore Bank at Channapatna and Bangalore, and of Advocate Mr. G. Subba Rao at Mysore. But to my misfortune, fresh work intervened, and retarded my progress in the present case. On 22-10-1930, I was ordered by the Offg. Inspector General of Police to proceed at once to Tiptur and to take up the further investigation in the difficult case of the Five Murders of that taluk. After my return from that case and when I submitted the papers of the present case to the Inspector General of Police, I had to explain my -- delay in the present case. As the Inspector General of Police has been graciously pleased to observe that matter of my delay has been dealt with seperately, it is needless for me to reiterate here the causes that led to it. As per orders, the entire file of records with me in the present case, was --- transmitted to the District Superintendent of Police, Mysore District, for further action in the Chief Office No. C.247/30 dated 11-3-1931. The Police of Mysore City took further action, registered the case on 15-8-1931 and charge-sheeted the accused on 15-10-1931.

3. From the memorandum dated 11-11-1932 of the Inspector General of Police, I gather that my explanation is required on his kind observations as

summarised

summarised below:-

Firstly, that it was significant that in making my enquiries, as I did, in the case I began by --- questioning the accused on 10-10-1930, revealing to him the fact that the other half of the note on which he had made a false claim, had been cashed more than a year previously, a most improper revelation and extraordinary method of opening investigation, which made my conduct questionable.

Secondly, that Abdul Rauff Khan of Channapatna had received an insured cover and a covering letter, along with the currency notes of Rs. 300/- from Bhopalam Narasimhiah of Hindupur, that in connection with the claim Abdul Rauff Khan preferred to the Currency Office, Madras, through the Mysore Bank, the said covering letter and insured cover passed to the Channapatna Branch of the Mysore Bank on 25-6-1929 and thence with the Bank's letter No. 965 dated 25-6-1929 to the Mysore Bank, Bangalore, which sent the two documents along with the Declaration of Abdul Rauff Khan with their letter No. B. 32/34736 dated 27-6-1929 to the Currency Officer, Madras, That subsequently in connection with the claim preferred by accused Parasuram Sait, the Currency Officer referred all the papers to the Inspector General of Police on 24-7-1930 and that all the papers were handed over to me on 28-7-1930. That at the trial of the case, the covering letter and Insured cover in question were found missing, That the Currency --- Officer had distinctly stated that all the letters received by them were sent to the Inspector General of Police and that none were in his office. That there was no reason to suppose that the file of papers including the missing documents was complete when it reached the Inspector General of Police on

28-7-1930

28-7-1930 or when it was sent to me the same day. That yet the statements recorded by me from Abdul Rauff Khan, Chayapathi Rao and Bhopalam Lakshminaranaiya of Hindupur, convey the inference that the insured cover and the covering letter in question were not in the file and that yet when I subsequently submitted back the file to the Inspector General of Police in February 1931, I did not comment on the fact that the said registered ~~xxxxx~~ cover and covering letter ~~xxx~~ were missing from the file.

Thirdly, that I failed to take any serious action refraining from seizing the Katcha Account Book of Abdul Rauff Khan at Channa-patna and failing to seize papers or account books from the Accused and witnesses in Mysore, Channapatna and Hindupur, and that there is a total neglect of the investigation.

4. With reference to the above observations, I have to respectfully represent as follows:-

Firstly, as regards the kind observations about my having begun my enquiry by questioning the accused revealing to him the facts of the case, I wish to place the following facts for kind consideration:-

As desired by the letter of 24-7-1930 (Ex.P2) of the Currency Officer, it was the case of the false claim which Parasuram Sait had preferred to the Currency Officer, Madras, in respect of the currency note No. S/39 525077 for Rs.100/- that was the subject matter of the enquiry; and criminal action was desired against Accused Parasuram Sait. Hence, this was the main case. Accused Parasuram Sait had in his claim letter of 29-3-1930 (Ex. P4) vaguely represented

represented to the Currency Officer that he had lost the left half of the currency note No. S/39 525077 for Rs.100/- about 6 months previously. Subsequently, the two formal documents, viz., Affidavit dated 28-5-1930 (Ex. P3) and Declaration (Ex. P5) of accused Parasuram Sait, were sent by Mr. G. Subba Rao to the Currency Officer; and these two documents contained the more clear and specific false statements, viz., that on 14-10-1930, he (accused) had with him both the halves of the currency note in question, that he had then compared their numbers and found them to agree, and that he had subsequently lost the left half of the note. These two formal documents (Ex. P3 & P5) were the main basis for the prosecution of the accused. Because on 14-6-1929 i.e., 4 months previous to the date of the above alleged incident, the Mysore Bank, Bangalore, had deposited this identical left half of the note with the Currency Office, Madras, in connection with the original claim preferred by Abdul Rauff Khan through the bank. The existence of this left half of the note in the Currency Office from 14-6-1929, was the convincing evidence to prove that accused Parasuram Sait could not have had with him at least this left half of the note also on 14-10-1929. This important evidence was already in the Currency Office. The merits of the original claim preferred by Abdul Rauff Khan, had not been questioned by the Currency Officer, according to his letter of 24-7-30. Hence, as it appeared to me then that the evidence of Abdul Rauff Khan and of the Bank was merely required to corroborate the Currency Office on the fact that at the instance of Abdul Rauff Khan the Bank had deposited the left half of the note with the Currency Office on 14-6-1929. I had, therefore,

to

to devote my first attention for the collection of evidence necessary to fix the responsibility on accused Parasuram Sait in respect of the false representation which he had made in his original claim letter of 29-3-1930 (Ex. P4) his affidavit dated 28-5-1930 (Ex. P3) and his declaration dated 15-7-30 (Ex. P5).

In this case of fraudulent claim, the essentials to be proved by the prosecution were:-

(1) That the representations made to the --- Currency Officer as contained in Ex.P3, P4 and P5, supra, were false,

(2) That though these documents had been written by others, accused Parasuram Sait was individually and solely responsible for getting such false statements made in these three documents, and

(3) That with the full knowledge of their falsehood he had deliberately got ~~same~~ such false statements made with intent to defraud the Government of Rs.100/-, being the full value of the currency note No. S/39 525077.

The evidence to prove the first essential, i.e., the falsity of the representations, was already in the Currency Office, because the left half of the currency note in question was lying there since 14-6-1929. In regard to the other two essentials, I had to collect evidence from the accused, and from Advocate Mr. G. Subba Rao, who had written Ex. P3 and P5, and who was the standing counsel of the accused then, and from the then unknown writer of the original claim letter of 29-3-1930 (Ex. P4), whose name and address I had to ascertain from the accused himself. I need hardly submit that the accused was the only person, who knew under what circumstances he had got the false representations made in the said three

documents

documents; and if his statements containing his admissions and explanations, were to serve any useful purpose for the prosecution, I had to record his statement before he could take legal advice, so that I might ascertain from him what he himself had got to say from his own personal knowledge of the facts connected with his claim. Questioning his Advocate Mr. Subba Rao first might afford scope, as I thought, for the accused to prepare his explanations before I could record his statement. It was in this view that I began my enquiries by questioning the accused on 10-10-1930 instead of first examining Advocate Mr. Subba Rao and then the accused. A kind comparison of the statement recorded by me from the accused with what the accused subsequently stated before the Assistant Superintendent of Police, Mysore City, and then later on before the court, will show how under legal advice he had grown wiser then, and attempted to exculpate himself. His defence was that the year 1929 as contained in his affidavit (Ex. P3) and declaration (Ex. P5) was a mistake for the year 1928; and that his Advocate Mr. G. Subba Rao, who did not clearly understand his instructions in Hindustani, had noted the wrong year 1929 in these two documents. In the course of his statement before me, however, he admitted having given the necessary instructions to Abdul Karim Sait and then to his Advocate for preparing his claim letter (Ex. P4), and Affidavit (Ex. P3) and Declaration (Ex. P5), and admitted that the statements made therein were according to his instructions. So far his admissions were of no use for the prosecution, because prosecution had to rely upon them as -- true and not as false, and because such admissions were in in the nature of a confession to a Police Officer. Besides, consistent with what he had stated so far

before

before me, he could still set up a plausible defence in the court by pleading mistake or loss of memory or like other innocent state of mind, either on his own part or on the part of those who wrote those documents. Ordinarily evidence of similar acts would afford scope to ascertain the guilty intention or knowledge. But evidence of this sort was wanting in this case, as this was the only known false claim which the accused had preferred. Circumscribed, as I was, to this single act of the accused, the alternative open to me was either to close his statement after recording his admissions so far, thereby affording scope to the accused to set up a plausible defence without my being able to contradict it in proper time, or I had to anticipate his probable defence and fix him to a definite statement. In adopting the latter course, I find to my present regret that I have given rise to adverse inferences regarding my conduct. -- Anyhow in revealing the facts of the case to the accused at this stage, and in taking his explanation, as I did, I had the following principles of law in view:- The stage of Police enquiry is one of the occasions on which a man accused of a crime, would have an opportunity of giving any explanation of his conduct, or of ~~explaining~~ mentioning any ~~his~~ defence he may have. If the explanations or statements of the accused involve allegations of facts, the truth of which could be enquired into by the Investigating Police Officer, the important consideration is, has the accused put them forward at the natural time when an opportunity was given to him. By suppressing them at this natural stage, or by giving some explanation or interpretation of adverse facts, inconsistent with admitted or incontrovertible facts, all such false, incredible or contradictory statements are not ---

-- simply

simply neutralized, but become of a substantive inculpatory effect. The conduct of the accused at the stage of my recording his statement, coupled with the attitude he had taken throughout his correspondence with the Currency Office through his Advocate, was the only source to which I had to look for -- ascertaining whether at the time of his attempting to cheat the Currency Officer, he had full knowledge of the falsehood of the statements of facts, which were represented to the Currency Officer. The aim and purpose of my revealing the facts of the case to the accused may kindly be gathered in the light of the following facts:-

(a) Extract from the statement of the accused recorded by me on 10-10-1930.

" I still stick to my statement made in the Affidavit. I am now informed by the Assistant Superintendent of Police, C.I.D. that the left half of the currency note No. S/39 525077 of Rs.100/- had been lying in the Currency Office since 14-6-1929. Still I say that I had this left half with me in the middle of October 1929 ".

How I have subsequently used the record I had thus made may kindly be gathered from my evidence in the court, the relevant part of it is as extracted below:-

(b) During my Examination-in-Chief on 28-11-1931

" When the state-ment of the accused was taken by me on 10-10-1930, he stated that he had the left half of the currency note in question in the middle of October 1929. This he did even after I informed him that from the reference received from the Currency Office it is seen that the left half of the note was lying there since 14-6-1929 (This evidence is objected

to

Until the Full Bench Decision of The 11th February 1932 of the Madras High Court, the decisions of the several other High Courts were in favour of the admissibility of such evidence; and I have used it accordingly.

* Criminal Law Journal Vol. 33. Page 418 for June 1932

In the light of the foregoing circumstances I may explain that my object in acting, as I did, was to definitely fix the responsibility on the accused in respect of the false statements contained in Ex. P3, P4 and P5, and to prove further that the said statements of facts, were false to his knowledge at the time he had got them made in the said documents. He stated before me thus:- "I still stick to my statement made in the Affidavit ". From this I gathered his then frame of mind, and revealed to him what information there was about the left half of the note in question being in the Currency Office since 14-10-1929. And as I expected, even after this revelation, he stated thus :- " Still I say that I had this left half of the note with me in the middle of October 1929 ". His defence before the court was that the year 1929 as noted in his Affidavit (Ex. P3 and Declaration (Ex. P5) was a mistake for 1928, and that his Advocate Mr. G. Subba Rao, who did not properly understand his (accused's) instructions in Hindustani, had wrongly noted the year 1929. But when I recorded his statement and when his attention was drawn to what had been noted in those documents he knew what had been written there; and when specially his attention was drawn to the fact that how the statements made in them were opposed to the information I had from the Currency Office, he knew the falsehood of the statements made in Ex. P3 and P5 If his defence was true, this was the proper time for

15.1.33

him

him to plead it before me. He did not do so. Knowing as he did then that he was solely responsible for all those false statements, and not having time for deliberation and advice to explain away his responsibility, he chose the course of persisting in his --- falsehood. Hence, his present defence was an afterthought. This was the final position to which I -- wanted to fix the accused; and by way of anticipation I had laid the necessary foundation in the -- statement recorded from the accused on 10-10-1930. I have already submitted as to why I began my enquiry by questioning the accused first. The statement which the accused made after I had revealed to him the facts of the case may be kindly taken into consideration in determining whether the accused did really grow wise by the information, and used it to his advantage, or on the other hand his statement conveys the inference that coming, as the revelation did, from a Police Officer not known to him, he probably did not believe in the truth of the information, and so not realising the full import and force of the opposing evidence, which was in the Currency Office, he persisted in his falsehood by stating "Still I say that I had this left half of the note with me in the middle of October 1929". Further, if my intention was to help the accused, was it quite necessary that I should make a record of what I had I done and openly avow in the court that I had done so? I, therefore, request that the Inspector General of Police may kindly be pleased to judge me by my intention and purpose and by the end achieved by me.

Secondly, now as regards the kind observations relating to the missing Insured cover and covering letter of Bhopalam Narasimhiah, I have to represent as follows:-

The two important issues that arise in this connection are: (1) Whether all or only some of the papers bearing on the original claim of Abdul Rauff Khan and on the false claim of Accused Parasuram Sait, were sent by the Deputy Controller of Currency with his letter of 24-7-1930 (Ex. P2) to the Inspector General of Police, and (2) in particular whether or not the two missing documents were sent to the -- Inspector General of Police.

I have to bring to kind notice that all the -- papers of the Currency Office, which have been exhibited in the court for the prosecution i.e., P2 to P20, had not been sent, but that only Ex. P2 to P9, P19 and P20, as also P14 to P18, or only 11 papers, including Ex. P2, were sent to the Inspector General of Police by the Currency Officer with his letter of 24-7-1930 (Ex. P2); and that the two missing documents had not been enclosed to that letter (Ex. P2), as could be verified by the list enclosed to P2 (copies enclosed). In this letter of 24-7-1930 (Ex. P2), it is noted thus:

"Enclosures (11)
1 list
10 letters"

If the missing letter and insured cover had also been enclosed, the number of enclosures would have been 13 and not 11 as noted in Ex. P2. Between January 1932 and June 1932 some letters were exchanged between the City Magistrate, Mysore and the Currency Officer as also the Mysore Bank, Bangalore, as regards the production of the relevant papers, which had remained with the Currency Office, and in particular about the two missing documents. All these letters of correspondence are in the records relating to C.C.118 of 31-32 on the file of the City Magistrate, Mysore, and these records have come to the High Court, in Mysore, Bangalore, in connection with the revision

petition

petition, preferred by Accused Parasuram Sait against the appellate judgment of the Sessions Judge, Mysore, On my letter No. C.282/32 dated 23-12-1932, I obtained the permission of the Registrar of the High Court, and have obtained copies of the letters which throw light on the matters in issue. I have enclosed these copies for kind reference; and I will refer to them hereinafter.

On a memo dated 15-12-1931 submitted by the Prosecuting Inspector, the Magistrate in his letter No. 602 dated 6-1-1932 wrote to the Currency Officer to send with the clerk of his office the necessary records. This was in reply to the currency officer's letter of 4-1-32. In response, the Currency Officer with his letter No. 5618 dated 9-1-1932, sent 13 more documents as per its enclosed pherist: 5 documents relating to the claim of Abdul Rauff Khan and 8 documents relating to the false claim of Accused Parasuram Sait, (copies of these letters and list are enclosed for kind reference). Of these, only 8 documents were exhibited for the prosecution viz., Ex. P10 to P13 and P15 to P18 and the rest are still in the court records. The pherist, which accompanied the letter of 24-7-1930 (Ex. P2) from the Currency Officer may show that only 4 documents relating to the claim of Abdul Rauff and Khan and 6 documents pertaining to the false claim of Accused Parasuram Sait or 10 documents in all were sent enclosed to it (Ex. P2) to the Inspector General of Police. These 10 documents have been filed in the court as Ex. P3 to P9, P19, P20 and P14, so that it may kindly be seen that none of the papers which were sent to me from the Chief Office on 28-7-1930, is missing. These two sets of documents, Ex. P1 to P21 were filed on 3.2.1932 during the examination of Mr. Mahalinga Iyer in the court; and I am told that Mr. Mahalinga Iyer had brought

brought with him a file of papers. A kind reference to Part II special diary of Inspector Mr. Garuduchar, may show that Senior Superintendent Mr. Ranganatha Rao told him on 25-8-1931 at the Currency Office that he had with him the file of the connected records, and that he would produce them before the court; and as a matter of fact, as submitted above, more papers were sent to the court on 9-1-1932 and 3-2-1932 than what had been sent to the Inspector General of Police on 24-7-1930. Hence, I submit that all the papers bearing on the claims of Abdul Rauff Khan and Accused Parasuram Sait, were not sent but only 10 papers as described in the list enclosed to the letter of 24-7-1930, (Ex. P2) were actually sent. to the Inspector General of Police.

A kind reference to the same list again may show that the covering letter of Bhopalam Narasimhiah and its insured cover in question, were not sent to the Inspector General of Police, though the Mysore Bank's letter No. B.32/34736 dated 27-6-1929 (Ex. P9), and one of its enclosures viz., the Declaration of Abdul Rauff Khan (Ex. P6), were sent. {please vide items 3 and 4} under H 196 (29-30) in that list}. Here I may submit that the Declaration and also the letter and insured cover in question, had been sent by the Mysore Bank to the Currency Office with their letter of 27-6-1929 (Ex. P9). While this covering letter of the Bank (Ex. P9) and one of its enclosures i.e., Declaration (Ex. P6) have both been mentioned in the said list, the latter immediately before the former, I submit for kind consideration whether or not the significant -- omission to mention in the same list the covering letter of Bhopalam Narasimhiah and its insured cover, conveys the inference that the latter two documents were not sent to the Inspector General of Police. On the score that the letter No. B.32/34736 dated 27-6-1929 (Ex. P9),

has been sent to the Inspector General of Police, if any doubt were to arise that its other two enclosures i.e., the two missing documents might also have been sent, I respectfully invite kind reference to the undermentioned letters of correspondence, copies of which are enclosed for kind perusal.

1. In his letter No. 900 dated 10-3-1932 the City Magistrate, Mysore, wrote to the Mysore Bank, Bangalore to send him the letter of Bhopalam Narasimhiah and its insured cover in question.

2. Thereupon the Bank in their letter No. B.38/16219 dated 14-3-1932 replied that the two documents required had been sent by them to the Currency Office with their letter No. B.32/34736 dated 27-6-29 (Ex.P9)

3. Thereupon enclosing a copy of the Bank's reply of 14-3-1932, the Magistrate, in his No. 915 dated 15-3-1932 wrote to the Currency Officer to send him the two documents in question.

4. On this the Currency Officer in his No. 7047 dated 16-3-1932 replied that the letter of Bhopalam Narasimhiah and its insured cover, which the Bank stated as having sent with their letter of 27-6-1929, were not with his office, and that all the papers received from the two claimants or their Agents had been sent to the Inspector General of Police on 24-7-1930 and some were recently filed as exhibits. ~~on 3-3-1932.~~

5. On this the City Magistrate would appear to have written another letter in No. 1142 dated 6-6-1932 to the Currency Officer; but I could not find the letter in the court records. Anyhow, referring to this letter of the magistrate and to his own letter of 16-3-1932, supra, the Currency Officer has, in his No. 1418 dated 8-6-1932 written to the Mgaistrate stating (1) that the letter of Bhopalam Narasimhiah and its insured

Cover

cover in question, were not in his office and (2) that though the Mysore Bank's letter of 27-6-1929 (Ex. P9) was duly sent to the Inspector General of Police on 24-7-1930, it was not stated by his office that the letter of Bhopalam Narasimhiah and its -- insured cover were sent to the Inspector General of Police. The Currency Officer has enclosed to this letter of 8-6-1932 a list showing what papers were s sent to the Inspector General of Police on 24-7-1930. ex 24.7.30 C Sen (P2)

The list enclosed to this letter may kindly be compared with the list, which the Currency Officer has sent to the Magistrate with his letter of 8-6-1932; and the result will show that the papers mentioned in the one are the papers mentioad in the other; and that in neither list the two missing documents have been shown as sent to the Inspector General of Police Here it may kindly be considered whether there is any reason to think that the two missing documents were sent to the Inspector General of Police by the -- Currency Officer with his letter of 24-7-1930 (Ex.P2)

I would also venture to submit in this connection Thus: Mr. G. Subba Rao with his letter of 26-6-1930 (Ex. P19) had sent the Affidavit of the Accused dated 28-5-1930 (Ex. P3); and with his subsequent letter dated 15-7-1930 (Ex. P20) he had sent the Declaration of the Accused dated 15-7-1930 (Ex.P5) and with another letter dated 26-4-1930 (Ex. P15) he had sent another Affidavit of the Accused dated 25-4-1930 (Ex. P16) to the Currency Officer. All these covering letters and their enclosures when sent out of the Curreny Office, have been seperately shown in the lists enclosed to the letters of 24-7-1930 (Ex. P2) and of 9-1-1932, supra. Even an ordinary Money order coupon has been distincly mentioned in the list accompanying the letter 9-1-1932 to the City

Magistrate.

Magistrate. I submit that according to the practice in vogue in the Currency Office, as indicated above, and according to my experience in this and other references received from the Currency Office, they do not send any paper out of their office without a pherist and without a specific mention in the pherist of the papers so sent. A kind reference to the letter No. 1418 dated 8-6-1932 from the Currency Officer to the Magistrate may bear the same suggestion that in view of this practice and in the light of what had been noted in his office copy of the list which had accompanied his letter of 24-7-1930 (Ex. P2), the Currency Officer has finally stated that it was not stated by his office that the two missing documents were sent to the Inspector General of Police. Thus, it may kindly be seen that according to the Currency Officer also the two missing documents were not sent to the Inspector General of Police. Hence, I submit I could not have got them on 28-7-1930.

Both in this letter of 8-6-1932 and in his previous letter of 16-3-1932 the Currency Officer seems to lay some stress on the statement made by the Bank in their letter No. B.38/16219 dated 14-3-1932, in which they wrote to the Magistrate that they had sent the two documents to the Currency Office with their letter of 27-6-1929 (Ex. P9). In these two letters and in his previous letter of 9-1-1932 to the City Magistrate, the Currency Officer states that his office letter of 24.7.1930 addressed to the Inspector General of Police, bore the number 2728 and not 2765; whereas the original letter of 24-7-1930 now in the court, shows that the No. 2728, which had been noted, has been scored out and No. 2765 has been substituted under the initials of some one presumably of the Currency Office. In the court when the original

was

was shown to him, (P.W.5) Mr. Mahalinga Ayyar has stated its number as 2765. The following is an extract from the evidence of(P.W. 5) Mr. Mahalinga Ayyar:-

" A reply was received from the Bank of Mysore returning the declaration form duly filled up by Abdul Rauff Khan (Ex. P9). Ex. P6 is the Declaration Form received with the letter. As soon as the Declaration Form was received, half of the claim was offered in payment to the owner and he was asked in letter No. 2560 dated 5-7-1930 (Ex. P10) to return the letter No. 2049 dated 17-6-1929."

It is unfortunate that having referred to Ex. P9 and to the Declaration (Ex. P6) Mr. Mahalinga Iyer, who was conversant with the correspondence, was not questioned about the two missing documents, when as a matter of fact (1) the Declaration (2) a letter and (3) an envelope, had all been mentioned in the Mysore Bank's letter of 27-6-1929 (Ex. P9) as enclosures, and when these were all the evidence which Abdul Rauff Khan had produced in support of his claim. For in the Declaration (Ex. P6) Abdul Rauff Khan has stated that he had got the full note No. S/39 525077 for Rs.100/- in question in the remittance of Rs.300/-, which he had received from Bhopalam Narasimhiah of Hindupur in an insured letter, whereas lower down in the same Declaration he has mentioned only the insured cover as enclosed to it, but not the covering letter. Presumably on the perusal of the Bank's letter of 27-6-1929 (Ex. P9) and its three enclosures, the Currency Office has replied thus to Abdul Rauff Khan in his letter of 5-7-1930 (Ex. P10):-

" With reference to your claim for full value on the under-noted half note, I have the honour to state that on the evidence produced I am not satisfied that

there

there is no probability of the missing half of the note being presnted at sometime future date &c., " On this score only Rs.50/- was offered in payment. This probably may not have been the sort of reply, which could be expected, if the missing letter of Bhopalam Narasimhiah had contained the numbers of the currency notes sent by him. Here I may mention that in the Sessions court Abdul Rauff Khan produced Ex.P23 to P28 and P29 (a) to (f); and these are the covering letters and their connected insured covers with which the same firm of Bhopalam Narasimhiah of Hindupur, had sent to the firm of Abdul Rauff Khan six other remittances in currency notes between 8-2-1923 and 7-11-27. In none of these letters the numbers of the concerned currency notes sent are noted; and they show that the firm of Bhopalam Narasimhiah were not in the habit of doing it. The missing letter of Bhcapalam Narasimhiah presumably being in Telgu like his other letters -- Ex. P23 to P29, it may be not/unlikely that there was some office note or a translation of the letter put up in the Currency Office for the information of the Currency Officer before he sent his reply to Abdul Rauff Khan as he did in his letter of 5-7-1930 (Ex.P10)

But neither Mr. Mahalinga Iyer when he was -- examined in the court on 3-2-1932, nor Mr. Ranganatha Rao, Senior Superintendent of the Currency Office, who was examined by Inspector Mr. Garudachar at the --- Currency Office on 25-8-1931, when the entire Currency Office file was with Mr. Ranganatha Rao, was questioned about the two missing documents. I need hardly -- submit that a detailed examination of either of them would have conduced to definitely ascertain as to what had become of the now missing letter of Bhopalam -- Narasimhiah and its insured cover in question. As it is, for want of sufficient enquiry, I may venture to

submit

unfortunately the suspicion is turned against me, when as a matter of fact the two documents in question had not been sent to the Inspector General of Police on 24-7-1930 and in consequence were not -- transmitted to me on 28-7-1930.

Thiredly:- Now as regards the kind observations that I had to failed to take serious action in the case, refraining from seizing the Account Books and papers from the accused and witnesses at Mysore, Channapatna and Hindupur,and also about my not --- having with me the letter and insured cover in question during my enquiry at Channapatna and Hindupur, and about my not having brought to the notice of the Inspector General of Police the alleged loss of the two documents in question from my file in February 1931, I have to submit as follows:-

In connection with the false claim which accused Parasuram Sait had preferred to the Currency Officer Madras, he had in his first letter of 29-3-1930 (Ex. P4) vaguely represented that he had lost the left half of the note No. S/39 525077 for Rs.100/- about six months previously,but when subsequently his -- Advocate Mr. G. Subba Rao exchanged some letters with the Currency Officer, in the two formal documents, viz. (1) the Affidavit dated 28-5-1930 (Ex. P3) and (2) Declaration dated 15-71930 (Ex. P5)which were sent by Mr. G. Subba Rao to the Currency Officer, the accused had made the more specific and clear statements of facts viz., that on 14.10.29 ~~14-10-1929~~ he had with him both the halves of the note in question, that he had then compared their numbers and found them ~~to~~ agree,and that subsequently he had ~~lost~~ lost the left half of that note. In this case of fraudulent claim, the evidence which I had to collect was,as I understood it, to ascertain what documents there

were to prove the false statements of facts made by the accused; and what documents there were to prove that the accused had had full knowledge of those -- false statements of facts, and that with such knowledge he had got them made in his claim letter of 29-3-1930, (Ex. P4) Affidavit (Ex. P3), and Declaration (Ex. P5). The other Affidavit of the accused dated 25-4-1930 (Ex. P15) had not been recived by me on 28-7-1930; but was subsequently sent by the Currency Office direct to the court on 9-1-1932 as submitted already. The account book of the accused did not contain any entry by which it could be definitely ascertained when, from whom and how the accused could have got the right half of the currency note in question. On the other hand, it showed that in no instance he had noted the numbers of the in-coming or out-going currency notes in the course of his transactions. I could not, therefore, prove any useful point from this account book. By his Account Book the accused also could not cite any entry made in it to prove that he had got the note in question in 1928 either. The only use he has made of his Account Book is to show to the court that he is a man of large transactions. Hence, I submit that I did not seize his Account Book, as it appeared to be of no use for the prosecution.

The accused had no other relevant papers with him. His Advocate Mr. G. Subba Rao had with him some letters of correspondence bearing on the claim of the accused; and in the statement which Mr. Subba Rao furnished to me on 12-10-1930, he has given a list of the papers which he had with him. In the cousre of his examination-in-Chief before the court on 28-11-1931, he -- referred to some of these papers, but still the Prosecuting Officer advisedly refrained from getting them exhibited for the prosecution, with the result that they

they were marked for the Defence, (please vide D2 to D6). D2 was a general stamp paper and D3 to D6 were the letters of the Currency Officer addressed to Mr. G. Subba Rao. None of the papers with Mr. Subba Rao was filed for the prosecution. At that stage of the enquiry, it did not appear to me that any of these papers were necessary for the prosecution. I need Hardly submit that such of the documents or letters which contained the statements of facts made by the Accused or by his Agent Mr. Subba Rao as could be used against the accused, were the only documents which were necessary for the case; and some of such papers viz., Ex. P3, P4, P5, P14 to P19 and P20 were already with me and the remaining papers such as P15 to P18 could be -- expected to be only with the Currency Office. I did not wish to seize or file for the prosecution any account book or paper which may be useful only for the defence. Hence, it was that I took a list of the papers which Mr. Subba Rao had with him, so that after ascertaining the full facts connected with the false claim of the accused from the Currency Office records, any paper which may be found to be very necessary may be got from Mr. Subba Rao. Finally also no such -- necessity seems to have been felt by the Prosecuting Inspector, in-as-much-as he got all the relevant -- papers from the Currency Office and did not use any of the papers then with Mr. Subba Rao for the ---- prosecution.

As regards the Account Books or papers with the witnesses at Channapatna and Hindupur, I have to -- submit as follows:- Abdul Rauff Khan had not with him any relevant paper, because the Mysore Bank, Bangalore, had corresponded with the Currency Office in connection with his claim. He showed me a covering letter and insured cover, with which he had received another

remittance

remittance of Rs.500/- in currency notes of Rs.100/- each from one Kandasamy Setty on 10-6-1929. These two documents had no bearing on the remittance of Rs.300/- which Abdul Rauff Khan had got from Bhopalam Narasimhiah of Hindupur. Finally when Abdul Rauff Khan produced this covering letter and insured cover in the court, they were filed for the Defence as Ex. D7 and D7 (a). Thus it may kindly be seen that these were not necessary for the prosecution. Owing to the absence of the Manager on leave I could not get at the connected office drafts which were with the Mysore Bank, Channapatna. Moreover, the original letter dated 12-6-1929 of this Bank, with which the left half of the note in question had been sent, and the original of the letter No. 965 dated 25-6-29 with which the Declaration, a letter and envelope received from Abdul Rauff Khan, had been sent, were to be got only at the Mysore Bank, Bangalore. Bhopalam Lakshminaranaiya of Hindupur had no relevant papers nor even the press copy of his covering letter.

In the Katcha Account Book of the firm of Bhopalam Narasimhiah (deceased), neither the numbers nor the denomination of the currency notes which they had, on 8-6-1929, sent by insured post to the firm of Gulab Khan Mahomed Khan, had been noted in the concerned entry. On the Katcha book of the latter firm under date 10-6-1929, it had been noted that three full notes (without numbers) Of Rs.100/-each had been received from Bhopalam Narasimhiah of Hindupur. On 10-6-1929, Abdul Rauff Khan had received the ~~three~~ three full notes and on that very day he had lost the right half of one of them i.e., of the note bearing No. S/39 525077. Yet nowhere he had noted the numbers of the ~~remaining~~ remaining two notes, which he had got along with the said note No. S/39 525077. In his Declaration dated 24-6-1929 (Ex. P6), however, he had

had stated that he had got the note No. S/39 525077 from Bhopalam Narasimhiah of Hindupur in an insured letter, and had stated that he had enclosed the insurdd cover to the Declaration. His oral statement was that he had got three full notes of Rs.100/- from Bhcapalam Narasimhiah, and of them he had lost the right half of the note No. S/39 525077. It occurred to me, that to file the account books of Bhopalam Narasimhiah and of Abdul Rauff Khan, might detract the value of the oral evidence of Abdul Rauff Khan, while considering the main point whether it was true that Abdul Rauff Khan had got both the halves of the note No. S/39 525077 from Bhopalam Narasimhiah on 10-6-1929 or having come by only the left half of it somehow, he had attempted to connect it with the remittance which he got on 10-6-29 from Bhopalam Narasimhiah. On this main question both the account books did not support the oral statement of Abdul Rauff Khan nor his ~~xtax~~ statement made in his Declaration. The merits of the claim of Abdul Rauff Khan was not the subject matter of the enquiry. His evidence and that of the Mysore Bank were required merely to support the statement of the Currency Office that the Mysore Bank had lodged the left half of the note in question with the Currency Office on 14-6-29, so as to prove that accused Parasuram Sait could not have had this identical left half of the note also with him on 14-10-1929, and had compared its number with its right half and found them agtee and that he had subsequently lost the left half of the note as stated in his Affidavit, (Ex. P3), and Declaration (Ex. P5). The fraudulent character of the accused's statements of facts, would not have been altered and his responsibility to attempt to cheat the Currency Office, would not have ceased even under the assumption that Abdul Rauff Khan had somehow got only the left half of

of the note, and had falsely represnted to the Currency Office that he had lost the right half of it. It -- looked to me that the filing of the two account books would give unnecessary handle to the defence to make much of the omission to enter the numbers of the currency notes in these account books. As could be -- gathered from para 3 of the appellate judgment of the Sessions Judge, a question arose whether at any time the accused had in his possession the entire currency note. According to his defence, he must have held in his possession at least the right half of the note since 1928. But this would be contradicted by the evidence of Abdul Rauff Khan. It would have been to the interest of the accused to prove that Abdul Rauff Khan was not supported by his own account book and by the account book of Bhopalam Narasimhiah on the main point that he had got both the halves of the identical note No. S/39 525077 from the firm of Bhopalam Narasimhiah on 10-6-1929. But as Abdul Rauff Khan had to be necessarily examined in the court, I thought there might arise a necessity to produce his account book, if so required by the court or by the defence. So I took a copy of the relevant entry made in the Katcha Account Book of Gulab Khan Mahomed Khan under their signature, and left the account book with them to be got subsequently, if necessary.

In the light of the facts and circumstances enumerated above, I have to submit for kind consideration that I have not consciously or intentionally refrained from seizing any account book or papers, which were really useful for the prosecution, during my enquiry of the accused or witnesses at Mysore, Channapatna and Hindupur. I leave it to the kind judgment of the Inspector General of Police to decide if, under the circumstances of the case, I would have been well advised in seizing and filing in court such of the

Account Books and papers as I found with the witnesses. The Inspector General of Police has been pleased to notice that the covering letter of Bhopalam Narasimhaiya and its insured cover in question were not in the file with me when I recorded the statements from Abdul Rauff Khan, Chayapathi Rao and Bhopalam Lakshminaranaiya on the 18th and 19th October 1930. With reference to this, I have to submit that for reasons already submitted, the Currency Officer had not sent these documents to the Inspector General of Police with his letter of 24-7-1930 (Ex. P2) and in consequence the absence of these two documents natuarlly disclosed itself when I was recording the statements of Abdul Rauff Khan, Chayapathi Rao and Bhopalam Lakshminaranaiya, ~~Narasimhiah~~, for, if I had those documents with me Then I would have shown them to those witnesses. In this connection, I may place the following circumstances for kind consideration. The Currency Officer, in his letter of 24-7-1930 (P2) had made no reference either to the covering letter and insured cover in question or to the fact of the claim of Abdul Rauff Khan being connected with the insured remittance sent by Bhpalam Narasimhiah. In his Declaration (Ex. P6), Abdul Rauff Khan had, however, mentioned that he had got the note No. S/39 525077 for Rs.100/- in an insured letter of Bhopalam Narasimhaiya, and that he had enclosed the insured cover to the Declaration. No specific reference had been made to the covering letter in that Declaration. But in the statements which I recorded from Abdul Rauff Khan, Chayapathi Rao and Bhopalam Lakshminaranaiya, I have clearly proved that a covering letter also had accompanied the currency notes, that Abdul Rauff Khan had handed over both the insured cover and covering letter to the Mysore Bank at Channapatna, and that the

Bank

Bank sent them to their Head Office at Bangalore with their No. 965 dated 25-6-1929. In the file with me there was the letter No. B.32/34736 dated 27-6-1929 of the Mysore Bank (Ex. P9), Bangalore, which showed that the Bank had sent the Declaration, a letter and envelope to the Currency Officer. All these facts were such as to support the inference that the two missing documents had probably reached the Currency Office. This covering letter of 27-6-1929 (Ex. P9) of the Mysore Bank, Bangalore, had been sent to me by the Inspector General of Police on 28-7-1930 along with P2. It may here kindly be considered that, with all these facts before me, had it also been true that I had actually received the two missing documents, and had I beenreally responsible for their loss, and in consequence had I been then aware that these two documents would not be forthcoming during the trial of the case, would I have recorded such statements from the said three witnesses.

After examining Bhopalam Lakshminaranaiya at Hindupur on 19-10-1929, I could not pursue my enquiry further in this case, because I was deputed to Tiptur case as already submitted. When I ~~xxxx~~ submitted the papers to the Inspector General of Police in February 1931 I wanted to get both the halves of the currency note in question from the Currency Office, Madras, so that I might formally get them identified by the concerned witnesses, and to ascertain from the Currency Officer, which official of his office would give evidence before the court, so that I might record from him a full statement containing the history of both the claims and to ascertain what more relevant ~~xxx~~ documents, including the letter and cover in question, were in the Currency Office. Only 4 papers viz., Ex. P6, P7, P8 and P9 relating to the claim of Abdul Rauff Khan

31

Khan had been sent by the Currency Officer on --- 24-7-1930 with (Ex. p2) and the other papers viz., Ex. P10 to P13, more particularly Ex. P10 had not been sent. Hence the circumstances under which Abdul Rauff Khan had been paid only half the value of the currency note, was not clear to me. It was for the purpose of getting the two half notes, and to get the information mentioned above that I had submitted the papers with a draft letter addressed to the Currency Officer. My enquiry was then incomplete, because the official of the Currency Office and the file of papers then with them, had not been examined. And there was no reason for me to believe then that the covering letter of Bhoapalm Narasimhiah and its insured cover in question, would not be forthcoming in the Currency Office, or to differentiate these two documents from others, which were still in the Currency Office, nor had I any forecast that the case would be charge-sheeted without full and timely enquiry in the Currency Office In the light of these circumstances it may kindly be considered if the fact of my not having brought to kxm kind notice that the covering letter and insured cover in question were not in the file with me was but -- natural or otherwise.

As regards the kind observation that there was a total neglect of the investigation, I have to respectfully xmbmi submit that owing to other pressing work on which I was engaged both before 8-10-1930 and subsequent to 20-10-1930, and owing to two other -- enquiries also engaging my attention between 8-10-1930 and 20-10-1930, my enquiry in the present case was limited to 10-10-1930, 18-10-1930 (12-10-1930 Xx) and 19-10-1930, on which dates I examined the accused and witnesses at Mysore, Channapatna and Hindupur respectively. If the enquiry at the Currency Office also had been completed,

it

it would have put me in a position to have the case registered at Mysore, to complete the investigation and charge-sheet the accused. This work, however, remained to be done by the Police of Mysore City, who were entrusted with the taking of further action in the case at this stage of my enquiry. The witnesses examined in the Trial court are (1) Inspector Mr. B. Garudachar who investigated the case, (2) Advocate Mr. G. Subba Rao (3) Myself (4) Mr. Chennaraj Urs, B.A., B.L., before whom the accused swore to his Affidavit (5) Mr. Mahalinga Iyer of the Currency Office and (6) Abdul Rauff Khan. And the documents filed in the case for the prosecution were with the exception of P1 and P21, which related to the further action taken by the Mysore City Police, and Ex. P22 the Account Book of Abdul Rauff Khan, the rest of the papers viz., Ex. P2 to Ex. P20 were those that had come from the Currency Office: some having been sent to the Inspector General of Police on 24-7-1930 with Ex. P2; viz., Ex. P2 to Ex.P9, P19 and P20 as also P14, and the rest having been sent directly to the court viz., Ex. P10 to P18 except P14, along with other papers. Except the Account Book of Abdul Rauff Khan, about which I have already submitted, such of the papers as were found by me with the witnesses ~~xx xxxx~~ examined by me and as were used in the court have all appeared as defence exhibits and none for the prosecution. As already submitted during my enquiry preliminary to my having the case registered, I was taking a stock of what relevant evidence for the prosecution could be collected from the accused and witnesses; and this work would have been complete by the enquiry at the Currency Office and the Mysore Bank, Bangalore, and of the Manager of the Mysore Bank at Channapatna. I submit that for causes beyond my control, I could not

complete

complete it.

In conclusion, I respectfully beg to represent as follows:-

As may kindly be gathered from the list accompanying the letter of 24-7-1930 (Ex. P2) from the Deputy Controller of Currency to the Inspector General of Police, as compared with the list accompanying the letter No., 1418 dated 8-6-1932 from the Currency --- Officer to the City Magistrate, Mysore, in which he has confirmed what papers were actually sent to the Inspector General of Police and in consequence to me, and from the definite statement made by the Currency Officer in his said letter of 8-6-1932, Supra, that it was not stated by his office that the covering letter of Bhopalam Narasimhiah and its insured cover in question were sent to the Inspector General of Police, coupled with the practice in the Currency Office of not sending any paper outside their office without a specific mention thereof in the accompanying pherist, it is evident that the two documents now found missing in the Currency Office viz., the covering letter and insured cover in question were not sent to the --- Inspector General of Police by the Currency Officer with his letter of 24-7-1930 (Ex. P2). Consequently the said two missing documents were not in the file of papers which were sent to me by the Chief Office on 28-7-30. The letter No. 5618 dated 9-1-1932 from the Currency Officer to the City Magistrate, Mysore, and its accompanying list as compared with the exhibits filed in the case, as also the fact that Mr. Ranganatha Rao had a file of papers with him on 25-8-1931, will show that as a matter of fact it was only ten papers (Ex.P3 to Ex.P9, P19, P20 and P11 Files) selected from the file of the Currency Office, and not the complete file with them that were sent to the Inspector General of Police.

The want of full enquiry of Senior Superintendent Mr. Ranganatha Rao of the Currency Office on 25-8-1931, when he had the file with him and when he was examined by Inspector Mr. B. Garudachar at the Currency Office, and subsequently of Mr. Mahalinga Iyer when he was examined in the court on 3-2-1932, has not elicited all the necessary information, which they could have given from their office records and from facts which were within their personal knowledge when they had dealt with the correspondence relating to the two claims, as to which was the letter and envelope referred to in the Mysore Bank's letter of 27-6-1929 (Ex. P9), addressed to them. and what had become of them. I may be pardoned for submitting that this want of enquiry has given rise to doubts against me. It may also be considered here that according to the Mysore Bank, Bangalore, the letter of Bhopalam Narasimhiah and its insured cover were sent by them to the Currency Office with their letter of 27-6-1929 (Ex. P9). According to the Currency Officer's reply to Abdul Rauff Khan in his letter of 5-7-1929 (Ex. P10) , Ex. P9 and its enclosures were dealt with in the Currency Office by 5-7-1929. It was in July 1930 that some papers out of this file were taken out for transmission to the Inspector General of Police, and on 9-1-1932 again more papers were taken out from the same file for being sent to the City Magistrate, and finally the Currency Office file would appear to have been brought by Mr. Mahalinga Iyer to Mysore to give his evidence on 3-2-1932 in the court. It was in March 1932 that the City Magistrate started his enquiry about the two documents in question. His letter of 15-3-1932 -- fetched a reply from the Currency Office on 16-3-1932 i.e., the very next day, while his letter of 6-6-1932 fetched the final reply on 8-6-1932. In his letters of

of 9-1-1932, 16-3-1932 and 8-6-1932 addressed to the City Magistrate, the Currency Officer states that his office letter of 24-7-1930 (Ex. P2) had been registered in No. 2728, whereas the original letter (Ex. P2) in the court bears the No. 2765. There appears to be, therefore, some confusion in the file. All these fact may explain under what circumstances the letter of Bhopalam Narasimhiah and its insured cover, were not produced by the Currency Office.

I have submitted in detail my reasons and necessity for opening my enquiry with the examination of the accused, and for revealing the facts of the case to him which was to meet his probable defence, as it then appeared to me. I have also submitted the --- reasons for not seizing the account books and papers from the accused and the concerned witnesses.

And as regards my not taking serious action --- against the accused, I request the Inspector Genral of Police to consider how during that unforunate period of mine between July 1930 and January 1931, I could not devote my undivided attention to the present case for causes beyond my control and complete the enquiry myself. To add to this, after the records were sent to the Police of Mysore City, it was not until the examination of P.W. 6 Abdul Rauff Khan in the court on 19-2-1932, when probably the statement I had recorded from him on 18-10-1930 was referred, the necessity to pursue the enquiry regarding the covering letter and insured cover in question, would appear to have caught their attention. It was then in his letter dated 22-2-1932 that the Assistant Superintendent of Police, Mysore City, asked me to obtain from the Mysore Bank, Channapatna, the letter and insured cover in question. Not having the records then with me, I

made

made further enquiries of Abdul Rauff Khan; and in my letter No. G.C. 1255/31-32 dated 1-3-1932, I sent my reply stating that the Bank with their No, 965 dated 25-6-1929 had sent the two documents to the Mysore Bank, Bangalore,. Thereupon the City Magistrate seems to have pursued the enquiry as submitted already.

In the copy of my deposition which is in the Chief Office file it has been copied thus : " Ex. P3 to P16 had been sent as enclosures to P2." In the original deposition it is thus: " Ex P3 to P6 had been sent as enclosures to P2. " Again during my deposition on 28-11-1931, I have stated thus to the court: " At the time I recorded the statement of the Accused, I had all the papers of the Currency Office with me. " When I made the statement, I had in view Ex. P2 to P9, P19 and P20 and P14 P15, which were all the papers that I had received from the Chief Office on 28-7-1930 and which were in the court on 28-11-1931, while Ex. P10, P13 and P15 to P18 among other papers, were sent to the court directly by the Currency -- Officer only with his letter of 9-1-1932. Subsequent to 28-7-1930 or previously, I had not got any more papers from the Currency Office in this case.

Bangalore
Dated 15-1-1932

D Sabbaraju Rs
15.1.32.

List of papers submitted to the Inspector General of Police with my letter No. C.282/32-33 dated 15-1-1933.

---

1. Copy of the letter No. H2 (30-31) 2765 dated 24-7-1930 from the Deputy Controller of Currency to the Inspector General of Police together with a copy of its accompanying list.
2. Copy of the Currency Officer's letter No. 5456 dated 4-1-1932 to the City Magistrate, Mysore.
3. Copy of the letter No. 602 dated 6-1-1932 from the City Magistrate, Mysore, to the Currency Officer.
4. Copy of the letter No. 5618 dated 9-1-1932 together with a copy of its accompanying pherist from the Currency Officer to the City Magistrate, Mysore.
5. Copy of the letter No. 900 dated 10-3-1932 from the City Magistrate, Mysore, to the Mysore Bank, Bangalore.
6. Copy of the Mysore Bank's reply in No. B.38/1621 dated 14-3-1932.
7. Copy of the letter No. 915 dated 15-3-1932 from the City Magistrate, Mysore, to the Currency Officer.
8. Copy of the letter No. 7047 dated 16-3-1932 from the City Magistrate, Mysore, to the Currency Officer.
9. Copy of the letter No. 1418 dated 8-6-1932 from the Currency Officer to the City Magistrate, Mysore, together with a copy of its accompanying list.
10. Copy of the letter No. 946 dated 18-5-1932 from the Currency Officer to the City Magistrate, Mysore, requesting to return the right and left halves of the currency note No. S/39 525077 for Rs.100/- and other documents filed as exhibits during the examination of Mr. Mahalinga Iyer on 3-2-1932.

D Subbarayudu Rs

Principal,

Police Training Sc

Bangalore

Dated 15-1-1933

REGISTERED & ACKNOWLEDGMENT DUE.

Confidential.

Currency Office, Madras.

Fort St. George, 24th July 1930.

~~H.2~~ No. H.2 (30-31) ~~2728~~ 2765 (Illegible) Not legible

From

H. B. Rau, Esq., B.A.,
Deputy Controller of the Currency,
M a d r a s .

To

S. Hiriannaiya, Esq., M.A., B.L.,
Inspector General of Police,
Mysore, Bangalore.

Enclosures (11)

1 List
10 Letters

Sir,

I have the honour to state that one Sait ---- Radhakrishna Das Parasuram, Private Banker, Railway Station Road, Mysore, City, preferred a claim in this office for the full value of currency note No. ----- 8/39 525077 for Rs.100/- depositing the right half of the note. In his affidavit dated 28th May 1930 sworn before the City Magistrate, Mysore, Mr. Parasuram Sait son of Radhakrishna Das, alleged that he was the proprietor of the above said entire currency note, that he compared the numbers on the two halves of the note on the 14th October 1929 and found them to agree while the entire note was in his possession and subsequently lost the left half note.

2. The left half of the note alleged by the said Mr. Parsuram Sait to have been in his possession on the 14th October 1929 has, however, been deposited by the Bank of Mysore, Bangalore, on behalf of one Mr. Abdul Rauff Khan who claimed full value of the note stating in his declaration dated 24th June 1929 that he had

had the said entire note on the 10th June 1929 and lost the right half of it on the same date.

3. It is clear from the above that the claim of Mr. Parasuram Sait is a fraudulent one made with an intent to defraud Government of Rs.100/- as he could not have had the entire note in his possession on the 14th of October 1929 and lost the left half of it subsequently as the same left half has been in deposit at this office since the 14th June 1929.

4. May I suggest, therefore, that an enquiry be held in to the matter and criminal proceedings instituted against the said Parasuram Sait if in your opinion sufficient grounds exist for such a course.

5. A somewhat similar case decided in 1888 by the High Court of Judicature at Calcutta is published in the Indian Law Reports of the Calcutta series, Volume 16. page 310.

6. I enclose for your perusal papers in original relating to the claim of Mr. Parasuram Sait and the Bank of Mysore, Bangalore, and request that the receipt of the documents may be acknowledged and the action taken by you in the matter intimated to me in due course.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ H. B. Rau

Deputy Controller of Currency.

Copies of Enclosures B
15.1.35

List of documents sent to the Inspector General of Police.

H 2 (30-31)

P4. 1. Letter dated 29th March 1930 from the claimant forwarding the note.

P14. 2. Letter No. 250 dated 10th April 1930 addressed to the claimant.

P19. 3. Letter No. 189 dated 26th June 1930 from the Advocate.

P3. 4. Sworn Affidavit dated 28th May 1930 from the claimant.

P20. 5. Letter dated 15th July 1930 from the Advocate.

P5. 6. Declaration dated 15th July 1930 from the claimant.

H. 196 (29-30)

P7. 1. Letter No. B 32/31814 dated 13th June 1929 from the Bank of Mysore.

P8. 2. Letter No. 2049 dated 17th June 1929 addressed to the claimant.

P9. 3. Letter No. B 32/34736 dated 27th June 1929 from the Bank of Mysore.

P6. 4. Declaration dated 24th June 1929 from the claimant.

Copies
15.1.33

Fort St. George, 4th of January 1932

No. H.196 (29-30) &

H2 (30-31) — 5456

From

S. M. Jamil, Esquire, M.A., LL.B.,

Currency Officer, Madras.

To

The City Magistrate,

Mysore.

Sir,

With reference to your letter No. 1285/31-32 dated 18th December 1931 enclosing summons in duplicate in C.C.No. 118 of 1931-32 on the file of your court issued in the personal name of Mr. J.V.Ranganatha Rao,//Senior Superintendent of my office, I have the honour to state that it is not -- usual to send out the Senior Superintendent of this office to give evidence in such cases. Instead, a clerk from this office conversant with the papers in question is usually deputed for the work and unless you have any objection, I would send such a clerk to appear before the court and give the required information on the point.

On hearing from you, the original summons will be returned to you duly served.

An early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ S.M.Jamil

Currency Officer.

Copy

15.1.32

Dft for approval

Office of the D. C. Mysore

Dated Mysore 6-1-1932.

To

The Currency Officer,
Fort St. George, Madras.

No. 602 Encls. nil.

Sir,

With reference to your letter No. H.196/29-30 & H 2 (30-31) - 5456 dated 4-1-32 re: the attendance of Mr. J.V. Ranganatha Rao, Senior Superintendent of your office as a P.W. in C.C.No. 118/31-32 on the file of this court, I have the honour to state that for reasons stated in your letter that it would be enough if the clerk who is conversant with the paers in question is deputed to attend the court on 18-1-32 with necessary records connected with the subject, to which date, the case is posted for hearing. Action may kindly be taken accordingly and the summons already sent returned duly served.

I have &c.,

(Initialled) D C S

REGISTERED AND ACKNOWKEDGMENT DUE

Currency Office, Madras.

Fort St. George, the 9th January 1932.

No. H.196 (29-30) & H2. (30-31)

— 5618

From

S. M. Jamil, Esquire, M.A., LL.B.,

Currency Officer, Madras.

To

The City Magistrate,

Mysore.

Encls. 14+1 (summons)

Sir,

With reference to your letter No. 602 dated 6th January 1932, I have the honour to return herewith one copy of the summons received with your letter No. 1285/31-32 dated 16th December 1931 duly endorsed by Mr. Mahaling Ayyar, a clerk of this office and to state that the other copy of the same has been served on him and he has been directed to appear before your court at 11 a.m. on 18th January 1932.

Most of the papers and two half notes connected with the original and subsequent claims have already been forwarded to the Inspector General and Assistant Inspector General of Police, Mysore, With this office letters No. 2728 dated 24th July 1930 and No. 524 dated 28th April 1931 respectively. Remaining papers with this office which may be necessary during the enquiry of the case are herewith forwarded with a list. The papers may be handed over to the clerk of this office at the time of the hearing.

Please acknowledge receipt of the documents.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ S.M.Jamil

Currency Officer.

Copies of Correspondence Sd 15.1.32

List of documents forwarded to the City Magistrate, Mysore, with this office letter No. 5618 dated 9th January 1932.

I. H. 196 (29-30)

P10. 1. This office letter No. 2560 dated 5-7-29 to the claimant.

P11. 2. Letter No. B.33/365 dated 18-7-29 from the Bank of Mysore, Bangalore, to this office.

Copy of P8. 3. This office letter of acknowledgment No. 2049 dated 17-6-29 to the Bank of Mysore, Bangalore.

P12 4. This office letter No. 3049 dated 23-7-29 to the Eastren Bank, Limited, Madras.

P13 5. Letter dated 24-7-29 from the Eastern Bank, Limited, Madras, to this office.

H2. (30-31)

P15 1. Letter No. 160 dated 26-4-30 from Mr. G. Subba Rao to this office.

P16 2. Affidavit dated 25-4-30 of Parasuram Sait.

Copy of D3. 3. This office letter No. 877 dated 2/3rd May 1930 to Mr. G. Subba Rao.

P17 4. Money Order Coupon.

Copy of D4. 5. This office letter No. 1166 dated 14-5-30 to Mr. G. Subba Rao.

P18 6. Letter No. 169 dated 29-5-30 from Mr. G. Subba Rao to this office.

Copy of D5 7. This office letter No. 1707 dated 6/7th June 1930 to Mr. G. Subba Rao.

Copy of D6. 8. This office letter No. 2321 dated 5-7-30 to Mr. G. Subba Rao.

Copy
15.1.32

To

The Manager,

Bank of Mysore, Bangalore.

To. No. 900

Dated 10-3-32.

Sir,

I have the honour to state that two halves of a currency note No. 525077 of the denomination of Rs.100/- were produced before the court on 15-10-31 by the Police Inspector of the Crime Branch, Mysore City, together with a Charge Sheet against one Parasuram Sait under sec. 420-511 I.P.C. The case was taken on file, (C.C.No. 118/31-32). and is being enquired into. In this case, the prosecution theory is that Parasuram Sait preferred a claim to the Currency Office at Madras, for the full value of Rs.100/- depositing the right half of the currency note of that denomination and stating that he had both the halves of the note and that on 14-10-29 he had compared them and found them to agree, and that subsequently he had lost the left half. But it was found by the Currency Office that the left half of the note had been lying in that office since 14-6-29 having been deposited by your Bank, on behalf of Mr. Abdul Ravoof Khan of Channapatna. In connection with the enquiry in this case, the original letter written by Mr. Bhupalam Narasinhiah to Mr. Ravoof Khan together with the envelope in which it was received is required for reference. It is understood that this letter and its envelope were handed over by Mr. Ravoof khan to the Manager of the Channapatna Bank who in turn is said to have passed them on to you with his letter No. B.32/34736 dated 27-6-29 (copy enclosed). The letter and envelope referred to above may kindly be arranged to be sent to this court on or before the 17th instant to which date the case has been posted for hearing.

I have &c.,

(Initialled) D.C.S.

Copies of Subsequent Papers
15-1-32

45

The Bank of Mysore,

Bangalore 14th March 1932.

No. B. 38/16219

To

The City Magistrate,

Mysore.

Dear Sir,

With reference to your letter No. 900/31-32 of the 10th instant, the letter No. B.32/34736 dated --- 27-6-29 referred to by you in the 4th para of your letter was addressed by us to the Currency Officer, Madras, enclosing therewith the letter and cover received from Mr. Abdul Rauff Khan.

You may, therefore, address the Currency Officer, Madras, to forward the letter and cover to you for your reference.

Yours faithfully,

Sd/ T.M.S.Subrahmanyam

Ag. Manager.

Copy of Cheque Bk 15.1.33

Immediate.

4.

To

The Currency Officer, Madras.

Dated 15.3.1932.

915/31-32, Encls. 2

Sir,

In enclosing herewith a copy of letter No. 900/10-3-32 addressed to the Manager of the Bank of Mysore, Bangalore, together with a copy of his reply thereto re: the forwardal of a letter written by Mr. Bhupalam Narasimhiah to Mr. Abdul Ravoof Khan, I have the honour to request you to be so good as to arrange to forward the said letter and its cover stated to have been sent to your office by the Bank of Mysore, Bangalore, by the return of post as the case is posted for hearing to the 17th instant.

I have &c.,

(Initialled) D.C.S.

Copy of Cheque Dd 15.1.33

Currency Office, Madras.

Fort St. George, the 16th of March 1932.

H. 196 (29-30) & H2 (30-31)
7047

From

S. M. Jamil, Esquire, M.A., LL.B.,
Currency Officer, Madras.

To

The City Magistrate,
Mysore.

F. No. 47/31-32

Sir,

With reference to your letterGenl. No. 915/31-32 dated 15th Marhh 1932, I have the honour to state that all the letters received in this office from the claimants and those received from their agents have been sent to the --- Inspector General of Police, Mysore, Bangalore, with this Office letter No. 2728 dated 24th July 1930 and some of the documents have recently been filed as exhibits in your court. A reference may therefore be made to the Inspector General of Police,,Mysore, Bangalore, in the matter. The letter stated to have been written by Mr. Bhupalam Narasimhiah to Mr. Abdul Ravoof Khan and the cover stated to have been sent to this office along with letter No. B.32/34736 dated 27th June 1929 from the Bank of Mysore as stated by them in their letter No. B.38/16219 dated 14th March 1932 addressed to you are not with this office.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ S.M.Jamil
Currency Officer.

Copy
D Sankaranarayana Rao
15.1.33

Currency Office, Madras.

Fort St. George, the 8th of June 1932.

H.196(29-30) and H. 2 (30-31)

No. 1418.

From

S. M. Jamil, Esq., M.A., LL.B.,

Currency Officer, Madras.

To

The City Magistrate,

Mysore.

Sir,

With reference to your letter No. 1142dated 6th June 1932, I have the honour to invite a reference to this office letter No. 7047 dated 16-3-32 in which it was stated that letters received from the claimants and their agents were sent to the Inspector General of Police, Mysore in Bangalore, with this office letter No. 2728 (and not No. 2765) dated 24th July 1930 and that the letter of Mr. Bhupalam Narasimhiah and the cover referred to were not with this office. It was not stated by this office that the letter and the cover in question were transmitted to the Inspector General of Police, Mysore, though the letter No. B 32/ 34736 dated 27-6-29 received from the Bank of Mysore and now stated by the Bank to enclose the letter and envelope in question was duly sent to that officer. A copy of the list of documents sent to the Inspector General of Police, Mysore, in Bangalore with this office letter No. 2728 dated 24-7-30 is herewith forwarded.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ S. M. Jamil

Currency Officer.

List of documents sent to the Inspector General of Police Mysore, with this office letter No. 2728 dated 24-7-30

H.2 (30-31)

P4. 1. Letter dated 29-3-30 from the claimant forwarding the note

P14. 2. Letter No. 250 dated 10-4-30 addressed to the claimant.

P19 3. Letter No. 189 dated 26th June 1930 from the Advocate.

P3. 4. Sworn Affidavit dated 28th May 1930 from the claimant-

P20. 5. Letter dated 15th July 1930 from the Advocate.

P5. 6. Declaration dated 15th July 1930 from the claimant.

H. 196 (29-30)

P7 1. Letter No. B 32/31814 dated 13th June 1929 from the Bank of Mysore.

P8 2. Letter No. 2049 dated 17th June 1929 addressed to the Bank of Mysore.
(claimant)

P9. 3. Letter No. B 32/34736 dated 27th June 1929 from the Bank of Mysore.

P6. 4. Declaration dated 24th June 1929 from the claimant.

Copies of Cheques D8

15.1.33.

Fort St. George, 18th May 1932

H. 196 (29-30) & H 2 (30-31)

From

No. 946

S. M. Jamil, Esq., M.A., LL.B.,
Currency Officer, Madras.

To

The City Magistrate,
Mysore.

Sir,

I have the honour to invite a reference to your letter No. 915 dated 15th March 1932 and request you to return the right and left halves of currency note bearing No. S/39-525077 for Rs.100/- and other documents filed as exhibits in your court by Mr. P. Mahalinga Iyer, clerk of this office on 3-2-32 in C.C.No. 118/31-32 on the file of your court togeth with a copy of the judgement delivered in the case if the case has been finally disposed of.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ S.M.Jamil
Currency Officer.

Copy of Cheque Rs 15.1.33

Fort St. George, 18th May 1932

H. 196 (29-30) & H 2 (30-31)

From

No. 946

S. M. Jamil, Esq., M.A., LL.B.,
Currency Officer, Madras.

To

The City Magistrate,
Mysore.

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Copy of Sahaqui 15.1.32

I have the honour to be,
Sir,
Your most obedient servant,
Sd/ S.M.Jamil
Currency Officer

1931

To

The Deputy Controller of the Currency, Madras

No. C. 247/30-31

Dated:-

Sub:-

Sir,

With reference to your letter No. H.2(30-31) 2765 dated 24.7.30 in regard to the double claim preferred by Sait Radha Krishna Das Narasimham of Mysore, and by Abdul Rouff Khan of Chennapatna through the Bank of Mysore, each depositing one half of the currency Note of Rs 1000/- bearing No. S/39 525077, I have the honor to state that the enquiry made in the case records the following facts.

Abdul Rouff Khan here the first to deposit the left half of the Note in your office on 14.6.29. He stated that on 10.6.29 he had received from Bhopalam Narasimhaiya of Hindupur a sum of Rs 3000/- in three currency Notes of Rs 1000/- each on account of Aboote Mamaji of Adoni; and that both the halves of the

the case was referred to Mr Seshagiri Rao for enquiry on 26.7.30. Nothing was done between Sparrow time after when the Rs 1000/- claim of Mr Narasimha was received & Rs 950. Thereafter nothing was done till the present draft was put up on 4.3.31. He issued a Salary of 2 months + dep + Rs enlargement one of months 415 & go over for explana-tion.

Such enquiry has been made & depositor: it has not been ascertained how the right half of above Note was obtained into possession

The present draft is written to ascertain the practice of Rs Currency offices what is obvious

Currency Note No. S/39 525077 were received in an insured cover by post from Kocha & can be from the said Nara Simhaiya. Lakshmi ranifrom to Manual Varanasi Son of Bhoopalam Nara Simhaiya, Further report of the case who died in 1928, has on enquired; and the will be sent to the DSP account books maintained by him and as also by Abdul Rauff Khan were also Scrutinised. Important and miscellaneous entries in the account books make no mention either of the remittance has in the notes of Rs 1000/- that the currency note in point formed part of the remittance. Hence the statement of Abdul Rauff Khan will have to be relied upon for believing that he had both the halves of the notes on 10.6.29 He has, however, the advantage over the other in that on the date he produced the claim there is no clear and convincing evidence that the right half of the note has not with him.

Radha Krishna Das para Sevam still maintains that he had both the halves of the notes on or about the middle of October 1929, which is false under the circumstances mentioned in your letter. He could produce no accounts to support his contention.

The probable aspect of the detached right half of the note getting into the possession of Radha Krishna Das para Sevam with another mis-matched half note in the course of business transactions between him and Abdul Rauff or any other merchant of Chenna patna, has also looked into. But Radha Krishna Das para Sevam has

has no transactions with any merchants of Chennapatna. While Abdul Rouff Khan is said to have to preferred Similar claims on 29.8.29 on the two halves of the mis-matched notes No. S/AG 958815 and S/AC 958819, Radha Krishna Das Para Swami stated that this is the first claim he has preferred to the Currency office.

* One point of importance needs clearing. According to Abdul Rouff Khan, he is paid only Rs 50/- on the left half of the currency Note No. S/3C 525077 and Rs 100/- on the two mis-matched halves preferred to above. Hence I request to be informed if the practice is to pay only Rs 50/- on each of the half notes of Rs 100/- on which claims are preferred or the payment of the balance of Rs 50/- to Abdul Rouff Khan is deferred pending the appearance of the right half. The element of dishonesty is essential to a case of Cheating or attempt to cheat. The proof of the fact ~~Cannot be proved~~, that under the circumstances of the case Radha Krishna Das Para Swami is has not been entitled

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V^r even ~~if~~ Rs 50/- on the receipt
half deposited by him, may be
raised in the case. Hence the need
to have this information. An early
reply on this point is requested.

Further the name of the official
or officer who has to give evidence in
the case, may also be furnished.

I have. etc.

S.W.R.
OA.
413/24

~~25~~ 24 D.G.P.

ndix F G—1]

JECT .....

Confidential

For issue
orders

Section Pol

File No. 156-32

Serial No. 2

Diary No. of letter replied to 5355

No Cancp 13

To

The I.G. of Police

General and Revenue Secretariat

( )

the *193* .

Date of issue 5/10/32

Signed by Jno R. Ramsay

Rao.

Sir,

With reference to your letter No. C.C. 13/32-33 dated 7-4-33 reporting on the conduct of certain Police officers in connection with the prosecution of one Parasuram Sait in C.C. No. 118/31-32 on the file of the Addl. Magistrate, Mysore, I am directed to state that the increment of Mr. D. Seshagiri Rao ~~Inspector~~ A.S.P. (Supernumerary) may be stopped and he need not be confirmed till his conduct is pronounced satisfactory. // Government approve

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7-31.

of your recommendation
that the confirmation
of Shri R. Muthuswami Rao Scindia
D.S.P. (Orissa)
which was due on 7-5-33
may be postponed for a year.
I am to add that even after
a year this officer's confirmation
must depend on the quality
of his work till then.

J. Lawrence

R3/2 6/7/33.

Chief Secy

1/10/33

Copy forwarded to the
Comptr (WC) for information
B O

Ch Secy.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

~~SECRETARIAT.~~ General and Revenue Secretariat

Camp Mysore ~~Bangalore~~ Dated, 3rd Oct. 1933

No. Ccomp 13
Rel 156-32-2

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Inspector General of Police in Mysore,

Bangalore.

Sir,

With reference to your letter No.C.C.13/32-33 dated 7th April 1933, reporting on the conduct of certai Police Officers in connection with the prosecution of one Parasuram Sait in C.C.No.118/31-32 on the file of the City Magistrate, Mysore, I am directed to state that the increment of Mr. D. Seshagiri Rao Assistant Superintendent of Police (Supernumerary) may be stopped and he need not be confirmed till his conduct is pronounced satisfactory.

Government approve of your recommendation that the confirmation of Mr. R. Muthoji Rao Scindia District Superintendent of Police (acting) which was due on 7th May 1933 may be postponed for a year. I am to add that even afte a year this Officer's confirmation must depend on the quality of his work.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- R. Ranga Rao,
Chief Secretary to Government.

F.F.4/3-X. comp 014
Copy to encl. to Accountant